

SCHEDULES

SCHEDULE 3

Section 9(1).

AMENDMENTS ABOUT LORRIES

A. ROAD TRAFFIC ACT 1972 (c.20)

- 1 In section 56(4) (power of examiner to divert vehicles for inspection, but not more than one mile away) for " one mile" substitute " five miles ".
- 2 (1) In section 57 (prohibition of further use on road), after subsection (4) insert—
- “(4A) A prohibition under subsection (1) above may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.”.
- (2) In section 57(7) (suspected overload)—
- (a) omit " and " at the end of paragraph (a), and paragraph (b);
- (b) for " and, if the vehicle is a heavy commercial vehicle, he " substitute—
- “and official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.
- The person to whom it so appears”
- (c) for subsection (7A) substitute—
- “(7A) Official notification for the purposes of subsection (7)—
- (a) must be in writing and be given by a goods vehicle examiner, a person authorised as mentioned in that subsection or a constable authorised as so mentioned ; and
- (b) may be withheld until the vehicle has been weighed or re-weighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.”.
- 3 In section 58 (removal of prohibition imposed under section 57)
- (a) after subsection (2) insert—
- “(2A) If the prohibition has been imposed with a direction under section 57(4A), neither a goods vehicle examiner nor a certifying officer shall remove it unless and until the vehicle has been inspected at an official testing station”;
- (b) after subsection (5) insert—
- “(5A) In the case of vehicles brought to an official testing station for inspection with a view to removal of a prohibition, the Secretary of State may require the payment of fees for inspection, in accordance with prescribed scales and rates ; and
- (a) payment of the fee may be required to be made in advance;

Status: This is the original version (as it was originally enacted).

- (b) the Secretary of State shall ensure that the scales and rates prescribed for the purposes of this subsection are reasonably comparable with the fees charged under section 45(6) of this Act in respect of the periodic examination of goods vehicles”;
- (c) in subsection (6), after " subsection (3)", insert " or (5A) ", and for "that subsection" substitute " subsection (3) ".
- 4 In section 82 (interpretation for Part II of the Act) after the definition of " Minister's approval certificate " insert—
- “" official testing station " means a testing station maintained by the Secretary of State under section 58(5) of this Act.”.
- 5 In section 83(5) (destination of fees), after " 50" insert " 58(5A) ".
- 6 (1) In section 160(2) (compensation for diversion of vehicles to be inspected for overload but found within limits), for "one mile " substitute " five miles ".
- (2) After section 160(2) of the 1972 Act insert—
- “(2A) The Secretary of State may by order designate areas in Great Britain where subsection (2) above is to have effect, in such cases as may be specified by the order, with the substitution for five miles of a greater distance so specified.
- An order under this subsection shall be made by statutory instrument subject to annulment by a resolution of either House of Parliament, and may be varied or revoked by another such order.”
- 7 In Part I of Schedule 4, in column 2 of the entry relating to section 57(9) of the Act, for " dangerous heavy commercial vehicle " substitute " goods vehicle found overloaded ".

B. ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (c.27)

- 8 In section 1 (stopping and checking foreign vehicles for mechanical defect, overload, etc.), after subsection (5) insert—
- “(6) In the case of a goods vehicle—
- (a) a prohibition under subsection (2)(b) above, by reference to a supposed contravention of—
- (i) section 40 of the Road Traffic Act 1972 (construction, weight, equipment etc. of motor vehicles and trailers),
- (ii) any of sections 68 to 73 and 76 to 79 of that Act (lights, overhanging or projecting load, etc.), or
- (iii) regulations under any of the sections of that Act referred to above in this paragraph,
- may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station ;
- (b) a prohibition imposed under subsection (3) above may be against driving the vehicle on a road until the weight has been reduced and official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.

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

- (7) Official notification for the purposes of subsection (6)(b) above must be in writing and be given by an authorised person and may be withheld until the vehicle has been weighed or re-weighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced”.
- 9 In section 2 (enforcement etc. of prohibitions under section 1 of the Act), after subsection (3) insert—
- “(3A) If the prohibition under section 1 of this Act has been imposed with a direction under subsection (6)(a) of that section, the prohibition shall not then be removed under subsection (3) above unless and until the vehicle has been inspected at an official testing station.
- (3B) In the case of vehicles brought to an official testing station for inspection with a view to removal of a prohibition, section 58(5A) of the Road Traffic Act 1972 (fees for inspection) applies.”.
- 10 In section 7(1) (interpretation) after the definition of "goods vehicle " insert—
- “" official testing station " means a station maintained by the Secretary of State under section 58(5) of the Road Traffic Act 1972”.