



Road Traffic Act 1991

1991 CHAPTER 40

PART I

GENERAL

Construction and use

8 Construction and use of vehicles.

(1) At the beginning of Part II of the ^{M1}Road Traffic Act 1988 there shall be inserted—

“ Using vehicle in dangerous condition

40A Using vehicle in dangerous condition etc.

A person is guilty of an offence if he uses, or causes or permits another to use, a motor vehicle or trailer on a road when—

- (a) the condition of the motor vehicle or trailer, or of its accessories or equipment, or
- (b) the purpose for which it is used, or
- (c) the number of passengers carried by it, or the manner in which they are carried, or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person.”

(2) For section 42 of that Act there shall be substituted—

“41A Breach of requirement as to brakes, steering-gear or tyres.

A person who—

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Act 1991, Section 8. (See end of Document for details)

- (a) contravenes or fails to comply with a construction and use requirement as to brakes, steering-gear or tyres, or
 - (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,
- is guilty of an offence.

41B Breach of requirement as to weight: goods and passenger vehicles.

- (1) A person who—
- (a) contravenes or fails to comply with a construction and use requirement as to any description of weight applicable to—
 - (i) a goods vehicle, or
 - (ii) a motor vehicle or trailer adapted to carry more than eight passengers, or
 - (b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used,
- is guilty of an offence.
- (2) In any proceedings for an offence under this section in which there is alleged a contravention of or failure to comply with a construction and use requirement as 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—
 - (i) 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
 - (ii) it 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 5 per cent.—
 - (i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and
 - (ii) that since that time no person has made any addition to the load.

42 Breach of other construction and use requirements.

- A person who—
- (a) contravenes or fails to comply with any construction or use requirement other than one within section 41A(a) or 41B(1)(a) of this Act, or
 - (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,
- is guilty of an offence.”

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Act 1991, Section 8. (See end of Document for details)

.....
Modifications etc. (not altering text)

C1 [S. 8](#) wholly in force at 1.7.1992 see [s. 84](#) and [S.I. 1992/1286, art. 2, Sch.](#)

.....

Marginal Citations

M1 [1988 c. 52.](#)

Status:

Point in time view as at 01/07/1992.

Changes to legislation:

There are currently no known outstanding effects for the Road Traffic Act 1991, Section 8.