

SCHEDULES

SCHEDULE 5

Section 50.

LARGE GOODS VEHICLES

Meaning of “large goods vehicle”

- 1 (1) For the purposes of this Schedule, a large goods vehicle is a goods vehicle, other than a hauling vehicle, falling within any of sub-paragraphs (2) to (4).
- (2) A goods vehicle falls within this sub-paragraph if—
- (a) it has a relevant plated weight exceeding 16260 kilograms, or
 - (b) in the case of a vehicle which does not have a relevant plated weight, it has an unladen weight exceeding 5080 kilograms.
- (3) A goods vehicle falls within this sub-paragraph if it forms part of a vehicle combination, other than an articulated combination, and the combination is such that—
- (a) in a case where all the vehicles comprised in the combination, or all of those vehicles except any small trailer, have relevant plated weights, the aggregate of the relevant plated weights of the vehicles comprised in the combination, exclusive of any such trailer, exceeds 16260 kilograms, or
 - (b) in any other case, the aggregate of the unladen weights of the vehicles comprised in it, exclusive of any small trailer, exceeds 5080 kilograms;
- and in this sub-paragraph “small trailer” means a trailer having an unladen weight not exceeding 1020 kilograms.
- (4) A goods vehicle falls within this sub-paragraph if it forms part of an articulated combination which is such that—
- (a) in a case where the trailer comprised in the combination has a relevant plated weight, the aggregate of—
 - (i) the unladen weight of the motor vehicle comprised in the combination, and
 - (ii) the relevant plated weight of that trailer,exceeds 16260 kilograms, or
 - (b) in any other case, the aggregate of the unladen weights of the motor vehicle and the trailer comprised in the combination exceeds 5080 kilograms.
- (5) In any provision of sub-paragraphs (2) to (4) “relevant plated weight” means a plated weight of the description specified in relation to that provision by regulations.
- (6) In sub-paragraph (1) “hauling vehicle” means a motor tractor, a light locomotive, a heavy locomotive or the motor vehicle comprised in an articulated combination; and in this sub-paragraph “motor tractor”, “light locomotive” and “heavy locomotive” have the same meaning as in the Road Traffic Act 1960.

Consignment notes

- 2 (1) Subject to sub-paragraph (2), no goods shall be carried on a large goods vehicle unless a document (a “consignment note”) in the prescribed form and containing the prescribed particulars has been completed and signed in the prescribed manner and is carried by the driver of the vehicle.
- (2) Sub-paragraph (1) shall not apply—
- (a) to the carriage of goods on any journey or on a vehicle of any class exempted from that sub-paragraph by regulations; or
 - (b) to any carriage of goods which is lawful without the authority of an operator’s licence.
- (3) Subject to the provisions of regulations, a traffic commissioner may dispense with the observance, as respects the carriage of goods under an operator’s licence issued by him, of any requirement of sub-paragraph (1), where he is satisfied that it is not reasonably practicable for that requirement to be observed.
- (4) Such a dispensation may be granted—
- (a) generally;
 - (b) as respects a particular vehicle; or
 - (c) as respects the use of vehicles for a particular purpose.
- (5) The consignment note relating to the goods carried on a vehicle on any journey shall, at the conclusion of that journey, be preserved for the prescribed period by the person who used the vehicle for carrying the goods on that journey.
- (6) Any person who—
- (a) uses or drives a vehicle in contravention of sub-paragraph (1), or
 - (b) fails to comply with sub-paragraph (5),
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Powers of entry and inspection

- 3 (1) An officer may require any person to produce and permit him to inspect and copy—
- (a) any document which is required by or under paragraph 2 to be carried by that person as driver of a vehicle; or
 - (b) any document which that person is required by or under that paragraph to preserve;
- and that document shall, if the officer so requires by notice in writing served on that person, be produced at the office of the traffic commissioner specified in the notice within such time (not being less than 10 days) from the service of the notice as may be so specified.
- (2) An officer may at any time enter any large goods vehicle and inspect that vehicle and any goods carried on it.
- (3) Where an officer has reason to believe—
- (a) that a large goods vehicle is being kept on any premises, or
 - (b) that any such documents as are mentioned in sub-paragraph (1) are to be found on any premises,

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he may, at any time which is reasonable having regard to the circumstances of the case, enter those premises and inspect any such vehicle, and inspect and copy any such document, which he finds there.

- (4) For the purpose of exercising his powers under sub-paragraph (1)(a) or (2), an officer may detain the vehicle in question during such time as is required for the exercise of that power.
- (5) The powers conferred by sub-paragraphs (1) to (4) are exercisable on production by the officer, if so required, of his authority.
- (6) Any person who—
 - (a) fails to comply with any requirement under sub-paragraph (1), or
 - (b) obstructs any officer in the exercise of his powers under sub-paragraph (2), (3) or (4),is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this paragraph “officer” has meaning given in section 42(1) (as amended by paragraph 5 below).
- (8) The powers conferred by this paragraph on an officer shall be exercisable also by a police constable who shall not, if wearing uniform, be required to produce any authority.

Falsification of consignment notes and records

- 4 (1) Any person who—
 - (a) makes, or causes to be made, any document required to be made under paragraph 2 which he knows to be false, or
 - (b) with intent to deceive, alters or causes to be altered any document required to be made under that paragraph,is guilty of an offence.
- (2) A person guilty of an offence under sub-paragraph (1) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Amendment of sections 38, 41 and 42 of this Act

- 5 (1) The following amendments shall take effect on the day appointed for the coming into force of paragraph 3, namely, in sections 38(2)(c) and 42(1)(b), after the words “sections 40 and 41” there shall be inserted the words “and paragraph 3 of Schedule 5”.
- (2) The following amendments shall take effect on the day appointed for the coming into force of paragraph 4, namely, in section 41(1) and (2)(b), after the words “section 38 or 39” there shall be inserted the words “or paragraph 4(1) of Schedule 5”.