



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Miscellaneous provisions about vehicles and vehicle parts

74 Operator's duty to inspect, and keep records of inspections of, goods vehicles.

- (1) The Secretary of State may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—
- (a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether [^{F1}the following requirements are complied with, namely—
 - (i) the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle, [^{F2}and
 - (ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person]and
 - (b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection,
- and providing for the preservation of such records for a prescribed period not exceeding fifteen months and their custody and production during that period.
- (2) Regulations under this section may—
- (a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed,
 - (b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed, and
 - (c) make different provision for different cases.

Status: Point in time view as at 01/07/1996.

Changes to legislation: Road Traffic Act 1988, Cross Heading: Miscellaneous provisions about vehicles and vehicle parts is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Any person who contravenes or fails to comply with any provision of regulations under this section is guilty of an offence.
- (4) In this section “the operator”, in relation to a goods vehicle, means the person to whom it belongs or the hirer of it under a hire purchase agreement; but, if he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person, it means a person of a class prescribed by regulations under this section in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

Textual Amendments

F1 Words in s. 74(1)(a) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.57**; S.I. 1992/1286, **art. 2**,Sch.

F2 S. 74(1)(a)(ii) and word "and" preceding it substituted (1.7.1992) for words in s. 74(1)(a) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.57**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C1 s. 74 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

75 Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy.

- (1) Subject to the provisions of this section no person shall supply a motor vehicle or trailer in an unroadworthy condition.
- (2) In this section references to supply include—
 - (a) sell,
 - (b) offer to sell or supply, and
 - (c) expose for sale.
- (3) For the purposes of subsection (1) above a motor vehicle or trailer is in an unroadworthy condition if—
 - (a) it is in such a condition that the use of it on a road in that condition would be unlawful by virtue of any provision made by regulations under section 41 of this Act as respects—
 - (i) brakes, steering gear or tyres, or
 - (ii) the construction, weight or equipment of vehicles,. . .
 - ^{F3}(iii)
 - ^{F4}(b) it is in such a condition that its use on a road would involve a danger of injury to any person]
- (4) Subject to the provisions of this section no person shall alter a motor vehicle or trailer so as to render its condition such that the use of it on a road in that condition
 - ^{F5}(a) would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under section 41 ^{F6}or
 - (b) would involve a danger of injury to any person.]
- (5) A person who supplies or alters a motor vehicle or trailer in contravention of this section, or causes or permits it to be so supplied or altered, is guilty of an offence.

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- (6) A person shall not be convicted of an offence under this section in respect of the supply or alteration of a motor vehicle or trailer if he proves—
- (a) that it was supplied or altered, as the case may be, for export from Great Britain, or
 - (b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used,^{F7} . . .
 - ^{F8}(c)

[^{F9}(6A) Paragraph (b) of subsection (6) above shall not apply in relation to a person who, in the course of a trade or business—

- (a) exposes a vehicle or trailer for sale, unless he also proves that he took all reasonable steps to ensure that any prospective purchaser would be aware that its use in its current condition on a road in Great Britain would be unlawful, or
- (b) offers to sell a vehicle or trailer, unless he also proves that he took all reasonable steps to ensure that the person to whom the offer was made was aware of that fact.]

(7) Nothing in the preceding provisions of this section shall affect the validity of a contract or any rights arising under a contract.

^{F10}(8)

Textual Amendments

- F3** S. 75(3)(a)(iii) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), ss. 16(2), 83, [Sch. 8](#); [S.I. 1992/1286](#), [art. 2](#),Sch.
- F4** S. 75(3)(b) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 16\(2\)](#); [S.I. 1992/1286](#), [art. 2](#),Sch.
- F5** Word in s. 75(4) inserted (1.7.1992) by [Road Traffic 1991 \(c. 40, SIF 107:1\)](#), [s. 16\(3\)](#); [S.I. 1992/1286](#), [art. 2](#),Sch.
- F6** Word and s. 75(4)(b) added (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 16\(3\)](#); [S.I. 1992/1286](#), [art. 2](#),Sch.
- F7** Word in s. 75(6) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8](#); [S.I. 1992/1286](#), [art. 2](#),Sch.
- F8** S. 75(6)(c) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), ss. 16(4), 83, [Sch. 8](#); [S.I. 1992/1286](#), [art. 2](#),Sch.
- F9** S. 75(6A) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 16\(5\)](#); [S.I. 1992/1286](#), [art. 2](#),Sch.
- F10** S. 75(8) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch. 8](#); [S.I. 1992/1286](#), [art. 2](#),Sch.

Modifications etc. (not altering text)

- C2** S. 75 restricted (1.7.1992) by [S.I. 1992/1217](#), [reg.7](#) (with [reg. 11](#)).

76 Fitting and supply of defective or unsuitable vehicle parts.

- (1) If any person—
- (a) fits a vehicle part to a vehicle, or
 - (b) causes or permits a vehicle part to be fitted to a vehicle,

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in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle [^{F11}involve a danger of injury to any person], constitute a contravention of or failure to comply with any of the construction and use requirements, he is guilty of an offence.

- (2) A person shall not be convicted of an offence under subsection (1) above if he proves—
- (a) that the vehicle to which the part was fitted was to be exported from Great Britain, or
 - (b) that he had reasonable cause to believe that that vehicle—
 - (i) would not be used on a road in Great Britain, or
 - (ii) that it would not be so used until it had been put into a condition in which its use [^{F12}on a road] would not constitute a contravention of or a failure to comply with any of the construction and use requirements [^{F12}and would not involve a danger of injury to any person].

- (3) If a person—
- (a) supplies a vehicle part or causes or permits a vehicle part to be supplied, and
 - (b) has reasonable cause to believe that the part is to be fitted to a motor vehicle, or to a vehicle of a particular class, or to a particular vehicle,

he is guilty of an offence if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements [^{F13}or involve a danger of injury to any person].

- (4) In this section references to supply include—
- (a) sell, and
 - (b) offer to sell or supply.
- (5) A person shall not be convicted of an offence under subsection (3) above in respect of the supply of a vehicle part if he proves—
- (a) that the part was supplied for export from Great Britain, or
 - (b) that he had reasonable cause to believe that—
 - (i) it would not be fitted to a vehicle used on a road in Great Britain, or
 - (ii) it would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements [^{F13}or involve a danger of injury to any person].

- (6) An authorised examiner may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted to vehicles or are supplied and test and inspect any vehicle or vehicle part found on those premises for the purpose of ascertaining whether—
- (a) a vehicle part has been fitted to the vehicle in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements [^{F13}or involve a danger of injury to any person], or

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- (b) the vehicle part could not be supplied for fitting to a vehicle used on roads in Great Britain without the commission of an offence under subsection (3) above.
- (7) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.
- (8) Any person who obstructs an authorised examiner acting under subsection (6) or (7) above is guilty of an offence.
- (9) In subsections (6) to (8) above “authorised examiner” means a person who may act as an authorised examiner for the purposes of section 67 of this Act; and any such person, other than a constable in uniform, shall produce his authority to act for the purpose of subsections (6) and (7) above if required to do so.
- (10) Nothing in this section shall affect the validity of a contract or of any rights arising under a contract.

Textual Amendments

- F11** Words in s. 76(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 58(2)**; S.I. 1992/1286, **art. 2**, Sch.
- F12** Words in s. 76(2)(b)(ii) inserted (1.7.1992) and words at the end added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 58(3)**; S.I. 1992/1286, **art. 2**, Sch.
- F13** Words in s. 76(3)(5)(b)(ii)(6)(a) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 58(4)**; S.I. 1992/1286, **art. 2**, Sch.

Modifications etc. (not altering text)

- C3** S. 76 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with **reg. 11**).

77 Testing condition of used vehicles at sale rooms, etc.

- (1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are supplied in the course of a business and test and inspect any used motor vehicle or trailer found on the premises for the purpose of ascertaining whether it is in an unroadworthy condition for the purposes of section 75(1) of this Act.
- (2) In this section (except paragraph (d) below) references to supply include—
- sell,
 - offer for sale or supply,
 - expose for sale, and
 - otherwise keep for sale or supply.
- (3) An authorised examiner may at any reasonable hour enter premises where vehicles or vehicle parts of a class prescribed for the purposes of section 63 of this Act are supplied in the course of a business and test and inspect any such vehicle or vehicle part for the purpose of ascertaining whether the vehicle or vehicle part complies with the type approval requirements applicable to a vehicle or vehicle part of that class.
- (4) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

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- (5) A person who obstructs an authorised examiner acting under this section is guilty of an offence.
- (6) In this section “authorised examiner” means a person who may act as an authorised examiner for the purposes of section 67 of this Act; and any such person, other than a constable in uniform, shall produce his authority to act for the purposes of that section if required to do so.
- (7) A motor vehicle or trailer shall be treated for the purposes of this section as used if, but only if, it has previously been sold or supplied by retail.

Modifications etc. (not altering text)

C4 S. 77 restricted (1.7.1992) by S.I. 1992/1217, regs.7,9 (with reg. 11).

78 Weighing of motor vehicles.

- (1) Subject to any regulations made by the Secretary of State, an authorised person may, on production of his authority, require the person in charge of a motor vehicle—
 - (a) to allow the vehicle or any trailer drawn by it to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and
 - (b) for that purpose, to proceed to a weighbridge or other machine for weighing vehicles.
- (2) For the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under subsection (1) above, an authorised person may require the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose.
- (3) If a person in charge of a motor vehicle—
 - (a) refuses or neglects to comply with any requirement under subsection (1) or (2) above, or
 - (b) obstructs an authorised person in the exercise of his functions under this section,
 he is guilty of an offence.
- (4) An authorised person may not require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.
- (5) Regulations under subsection (1) above may make provision with respect to—
 - (a) the manner in which a vehicle or trailer is to be weighed or a weight is to be tested as mentioned in subsection (1) above, and
 - (b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Act or by or under any other enactment relating to motor vehicles or trailers,
 and the regulations may make different provision in relation to vehicles of different classes, in relation to different types of weighbridges and other machines and in relation to different circumstances.

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- (6) If—
- (a) at the time when the requirement is made the vehicle is more than five miles from the weighbridge or other machine, and
 - (b) the weight is found to be within the limits authorised by law,
- the highway authority (in Scotland, roads authority) on whose behalf the requirement is made must pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator (in Scotland, arbiter) agreed upon by the parties or, in default of agreement, appointed by the Secretary of State.
- (7) The Secretary of State may by order designate areas in Great Britain where subsection (6) 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.

- (8) In this section—
- (a) “road” includes any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations,
 - (b) “authorised person” means a person authorised by a highway authority (in Scotland, a roads authority) or a constable authorised on behalf of such an authority by a police authority or a chief officer of police,
- and in this subsection “harbour” and “harbour operations” have the meanings given to them by section 57(1) of the ^{M1}Harbours Act 1964.

Modifications etc. (not altering text)

C5 S. 78 restricted (1.7.1992) by S.I. 1992/1217, regs.7,9 (with reg. 11).

Marginal Citations

M1 1964 c. 40.

79 Further provisions relating to weighing of motor vehicles.

- (1) Where a motor vehicle or trailer is weighed under section 78 of this Act, a certificate of weight must be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.
- (2) On production of his authority—
- ^{F14}(a)
 - (b) an examiner appointed under section [^{F15}66A] of this Act, or
 - (c) any of the Secretary of State’s officers authorised by him in that behalf,
- may at any time exercise with respect to the weighing of [^{F15}goods vehicles, public service vehicles, and vehicles which are not public service vehicles but are adapted to carry more than eight passengers,] all such powers with respect to the weighing of motor vehicles and trailers as are exercisable under section 78 of this Act by a constable authorised as mentioned in subsection (8) of that section.

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- (3) The provisions of section 78 of this Act shall apply accordingly in relation to [^{F16}such vehicles]—
- (a) as if references to a constable so authorised included references to such [^{F17}an] examiner or officer of the Secretary of State, and
 - (b) as if the reference in subsection (6) to the authority on whose behalf the requirement is made were a reference to the Secretary of State, and
 - (c) as if the reference in that subsection to the Secretary of State were a reference, in relation to England and Wales, to the Lord Chief Justice of England and, in relation to Scotland, to the Lord President of the Court of Session.
- (4) A certificate in the prescribed form which—
- (a) purports to be signed by an authorised person (within the meaning of section 78 of this Act) or by a person exercising powers by virtue of subsection (2) above, and
 - (b) states, in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under section 78(1) of this Act,

shall be evidence (in Scotland, sufficient evidence) of the matter so stated.

- (5) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to a weighbridge or other machine as mentioned in section 78(1) of this Act, an authorised person (within the meaning of that section) or a person exercising powers by virtue of subsection (2) above—
- (a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or
 - (b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to do any other thing in relation to a vehicle or its load or a trailer or its load,

neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.

Textual Amendments

- F14** S. 79(2)(a) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch. 8](#); S.I. 1992/1286, [art. 2](#), Sch.
- F15** Words in s. 79(2) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 59\(2\)](#); S.I. 1992/1286, [art. 2](#), Sch.
- F16** Words in s. 79(3) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 59\(3\)\(a\)](#); S.I. 1992/1286, [art. 2](#), Sch.
- F17** Word in s. 79(3) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 59\(3\)\(b\)](#); S.I. 1992/1286, [art. 2](#), Sch.

Modifications etc. (not altering text)

- C6** S. 79 restricted (1.7.1992) by [S.I. 1992/1217](#), [regs.7,9](#) (with reg. 11).

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80 Approval marks.

(1) Where any international agreement to which the United Kingdom is a party or a Community obligation provides—

(a) for markings to be applied—

(i) to motor vehicle parts of any description to indicate conformity with a type approved by any country, or

(ii) to a motor vehicle to indicate that the vehicle is fitted with motor vehicle parts of any description and either that the parts conform with a type approved by any country or that the vehicle is such that as so fitted it conforms with a type so approved, and

(b) for motor vehicle parts or, as the case may be, motor vehicles, bearing those markings to be recognised as complying with the requirements imposed by the law of another country,

the Secretary of State may by regulations designate the markings as approval marks, and any markings so designated shall be deemed for the purposes of the ^{M2}Trade Descriptions Act 1968 to be a trade description, whether or not the markings fall within the definition of the expression in section 2 of that Act.

(2) Any person who, without being authorised by the competent authority to apply any approval mark, applies that mark or a mark so nearly resembling it as to be calculated to deceive is guilty of an offence under the Trade Descriptions Act 1968, whether or not he would be guilty of such an offence apart from this subsection.

(3) The conditions subject to which approval of any type may be given on behalf of the United Kingdom or the use of approval marks indicating conformity with a type approved by the United Kingdom may be authorised may include such conditions as to testing or inspection and the payment of fees as the Secretary of State may impose.

(4) In this section—

“motor vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle,

“motor vehicle part” means any article made or adapted for use as part of a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle, or for use as part of the equipment of any such vehicle, and shall be treated as including any equipment for the protection of drivers or passengers in or on a motor vehicle notwithstanding that it does not form part of, or of the equipment of, that vehicle, and

“the competent authority” means—

(a) as respects any approval marks indicating conformity with a type approved by the United Kingdom, the Secretary of State, and

(b) as respects any approval marks indicating conformity with a type approved by any other country, the authority having power under the law of that country to authorise the use of that mark.

Marginal Citations

M2 1968 c. 29.

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