



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

##### *General regulation of construction, use etc.*

#### **44 Authorisation of use on roads of special vehicles not complying with regulations under section 41.**

- (1) The Secretary of State may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads—
  - (a) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials,
  - (b) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom,
  - (c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment, and
  - (d) of vehicles or trailers carrying loads of exceptional dimensions,

<sup>[F1]</sup>and sections 40A to 42 of this Act shall not apply in relation to] the use of such vehicles, trailers, or types in accordance with the order.
- (2) The Secretary of State may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under section 41 of this Act shall have effect in their application to such vehicles, trailers and types of vehicles and trailers as are mentioned in subsection (1) above subject to such modifications or exceptions as may be specified in the order.
- (3) The powers conferred by this section on the Secretary of State to make orders shall be exercisable by statutory instrument except in the case of orders applying only to specified vehicles or to vehicles of specified persons, but in that excepted case (as in

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others) the order may be varied or revoked by subsequent order of the Secretary of State.

[<sup>F2</sup>(4) The function of the Secretary of State under subsection (1) in the case of orders applying only to—

- (a) specified vehicles, or
- (b) vehicles of specified persons,

may be delegated to a strategic highways company.

(5) A delegation under subsection (4) may specify—

- (a) the extent to which the function is delegated;
- (b) any conditions to which the delegation is subject.]

#### Textual Amendments

**F1** Words in s. 44(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.51**; S.I. 1992/1286, **art. 2**, Sch.

**F2** S. 44(4)(5) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 103**; S.I. 2015/481, reg. 2(a)

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