



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

[^{F1} Prohibition of unfit vehicles]

Textual Amendments

- F1** Ss. 69, 69A and cross heading substituted for s. 69 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.12](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

[^{F2}69 Power to prohibit driving of unfit vehicles.

- (1) If on any inspection of a vehicle under section 41, 45, 49, 61, 67, 68 or 77 of this Act it appears to a vehicle examiner [^{F3}or authorised inspector] that owing to any defects in the vehicle it is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road—
 - (a) absolutely, or
 - (b) for one or more specified purposes, or
 - (c) except for one or more specified purposes.
- (2) If on any inspection of a vehicle under any of the enactments mentioned in subsection (1) above it appears to an authorised constable that owing to any defects in the vehicle driving it (or driving it for any particular purpose or purposes or for any except one or more particular purposes) would involve a danger of injury to any person, he may prohibit the driving of the vehicle on a road—
 - (a) absolutely, or
 - (b) for one or more specified purposes, or
 - (c) except for one or more specified purposes.

Status: Point in time view as at 30/11/1999.

Changes to legislation: Road Traffic Act 1988, Cross Heading: Prohibition of unfit vehicles is up to date with all changes known to be in force on or before 04 June 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) A prohibition under this section shall come into force as soon as the notice under subsection (6) below has been given if—
- (a) it is imposed by an authorised constable, or
 - (b) in the opinion of the vehicle examiner [^{F3}or authorised inspector] imposing it the defects in the vehicle in question are such that driving it, or driving it for any purpose within the prohibition, would involve a danger of injury to any person.
- (4) Except where subsection (3) applies, a prohibition under this section shall (unless previously removed under section 72 of this Act) come into force at such time not later than ten days from the date of the inspection as seems appropriate to the vehicle examiner [^{F3}or authorised inspector] imposing the prohibition, having regard to all the circumstances.
- (5) A prohibition under this section shall continue in force until it is removed under section 72 of this Act.
- (6) A person imposing a prohibition under this section shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—
- (a) specifying the defects which occasioned the prohibition;
 - (b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and
 - (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (7) Where a notice has been given under subsection (6) above, any vehicle examiner [^{F3}or authorised inspector] or authorised constable may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.
- (8) Where such a notice has been given, any vehicle examiner [^{F3}or authorised inspector] or authorised constable may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force.
- (9) In this section “authorised constable” means a constable authorised to act for the purposes of this section by or on behalf of a chief officer of police.]

Textual Amendments

- F2** Ss. 69 and 69A substituted (1.7.1992) for s. 69 by Road Traffic Act 1991 (c. 40, SIF 107:1), s.12; S.I. 1992/1286, art. 2, Sch.
- F3** Words in s. 69 inserted (1.7.1992) by Transport Act 1982 (c. 82, SIF 107:1), s. 10 (3) (as amended (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 19(2)); S.I. 1992/1286, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 69 restricted (1.7.1992) by S.I. 1992/1217, reg.7 (with reg. 11).
 S. 69 excluded (23.6.1999) by S.I. 1999/1736, art. 8(1)(b)(2)(b)

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[^{F4}69A Prohibitions conditional on inspection etc.

- (1) Where it appears to the person imposing a prohibition under section 69 of this Act that the vehicle is adapted to carry more than eight passengers, or is a public service vehicle not so adapted, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official PSV testing station within the meaning of the Public Passenger Vehicles Act 1981.
- (2) Where it appears to that person that the vehicle is of a class to which regulations under section 49 of this Act apply, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.
- (3) Where it appears to that person that the vehicle is one to which section 47 of this Act applies, or would apply if the vehicle had been registered under [^{F5}the Vehicle Excise and Registration Act 1994]] more than three years earlier, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected, and a test certificate issued, under section 45 of this Act.
- (4) In any other case, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected in accordance with regulations under section 72 of this Act by a vehicle examiner or authorised constable (within the meaning of section 69 of this Act).

Textual Amendments

- F4** Ss. 69 and 69A substituted (1.7.1992) for s. 69 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 12](#); [S.I. 1992/1286, art. 2, Sch.](#)
- F5** Words in s. 69A(3) substituted (1.9.1994) by [1994 c. 22, ss. 63, 66\(1\)](#), [Sch. 3 para. 24\(1\)](#) (with [s. 57\(4\)](#))

Modifications etc. (not altering text)

- C2** S. 69A restricted (1.7.1992) by [S.I. 1992/1217, reg. 7](#) (with [reg. 11](#)).
S. 69A excluded (23.6.1999) by [S.I. 1999/1736, art. 8\(1\)\(b\)\(2\)\(b\)](#)

70 Power to prohibit driving of overloaded goods vehicles.

- (1) Subsections (2) and (3) below apply where a goods vehicle [^{F6}, or a motor vehicle adapted to carry more than eight passengers,] has been weighed in pursuance of a requirement imposed under section 78 of this Act and it appears to—
 - (a) [^{F7}a vehicle examiner],
 - (b) a person authorised with the consent of the Secretary of State to act for the purposes of this subsection by—
 - (i) a highway authority other than the Secretary of State, or
 - (ii) a local roads authority in Scotland, or
 - (c) a constable authorised to act for those purposes by or on behalf of a chief officer of police,

that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded or would be exceeded if it were used on a road [^{F8}or that by reason of excessive overall weight or excessive axle weight on any axle driving the vehicle would involve a danger of injury to any person].

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- (2) The person to whom it so appears may, whether or not a notice is given under section [F⁹69(6)] of this Act, give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road until—
- (a) that weight is reduced to that limit [F¹⁰or, as the case may be, so that it is no longer excessive], and
 - (b) official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.
- (3) The person to whom it so appears may also by direction in writing require the person in charge of the vehicle to remove it (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with that direction.
- (4) Official notification for the purposes of subsection (2) above—
- (a) must be in writing and be given by [F¹¹a vehicle examiner], a person authorised as mentioned in subsection (1) above or a constable authorised as so mentioned, and
 - (b) may be withheld until the vehicle has been weighed or reweighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.
- (5) Nothing in this section shall be construed as limiting the power of the Secretary of State to make regulations under section 71(2) of this Act.

Textual Amendments

- F6** Words in s. 70(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 13(2)(a); S.I. 1992/1286, art. 2, Sch.
- F7** Words in s. 70(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 13(2)(b); S.I. 1992/1286, art. 2, Sch.
- F8** Words in s. 70(1) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 13(2)(c); S.I. 1992/1286, art. 2, Sch.
- F9** Words in s. 70(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 13(3)(a); S.I. 1992/1286, art. 2, Sch.
- F10** Words in s. 70(2) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 13(3)(b); S.I. 1992/1286, art. 2, Sch.
- F11** Words in s. 70(4) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 13(4); S.I. 1992/1286, art. 2, Sch.

Modifications etc. (not altering text)

- C3** S. 70 restricted (1.7.1992) by S.I. 1992/1217, reg. 7 (with reg. 11).
 S. 70 excluded (23.6.1999) by S.I. 1999/1736, art. 8(1)(b)(2)(b)

[F¹²71] Unfit and overloaded vehicles: offences.

- (1) A person who—
- (a) drives a vehicle in contravention of a prohibition under section 69 or 70 of this Act, or
 - (b) causes or permits a vehicle to be driven in contravention of such a prohibition, or

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- (c) fails to comply within a reasonable time with a direction under section 70(3) of this Act,
is guilty of an offence.
- (2) The Secretary of State may by regulations provide for exceptions from subsection (1) above.]

Textual Amendments

F12 S. 71 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.14](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

Modifications etc. (not altering text)

C4 S. 71 restricted (1.7.1992) by [S.I. 1992/1217](#), [reg.7](#) (with [reg. 11](#)).
S. 71 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 8\(1\)\(b\)\(2\)\(b\)](#)

[^{F13}72] **Removal of prohibitions.**

- (1) Subject to the following provisions of this section, a prohibition under section 69 or 70 of this Act may be removed by any vehicle examiner or authorised constable if he is satisfied that the vehicle is fit for service.
- (2) If the prohibition has been imposed with a direction under section 69A(1) or (2) of this Act, the prohibition shall not be removed unless and until the vehicle has been inspected in accordance with the direction.
- (3) If the prohibition has been imposed with a direction under section 69A(3) of this Act, subsection (1) above shall not apply; but the prohibition shall be removed, by such person as may be prescribed, if (and only if) any prescribed requirements relating to the inspection of the vehicle and the issue and production of a test certificate have been complied with.
- (4) If the prohibition has been imposed with a direction under section 69A(4) of this Act, the prohibition shall not be removed unless and until any prescribed requirements relating to the inspection of the vehicle have been complied with.
- (5) A person aggrieved by the refusal of a vehicle examiner or authorised constable to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Secretary of State.
- (6) The Secretary of State may make such order on the appeal as he thinks fit.
- (7) Where a vehicle examiner or authorised constable removes a prohibition, he must forthwith give notice of the removal to the owner of the vehicle.
- (8) The Secretary of State may require the payment of fees, in accordance with prescribed scales and rates, for the inspection of a vehicle with a view to the removal of a prohibition; and—
- (a) payment of fees may be required to be made in advance, and
- (b) the Secretary of State must ensure that all the scales and rates prescribed for the purposes of this subsection are reasonably comparable with—
- (i) in the case of goods vehicles, the fees charged by virtue of section 51(1)(h) in respect of periodic examination, and

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- (ii) in the case of other vehicles, the fees charged by virtue of section 46(c).
- (9) The Secretary of State may make regulations for prescribing anything which may be prescribed under this section and for regulating the procedure, and fees payable, on appeals to him under subsection (5) above.
- (10) In this section “authorised constable” means a constable authorised to act for the purposes of this section by or on behalf of a chief officer of police.]

Textual Amendments

F13 Ss. 72 and 72A substituted (1.7.1992) for s. 72 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.15](#); [S.I. 1992/1286](#), [art. 2](#),Sch.

Modifications etc. (not altering text)

C5 S. 72 restricted (1.7.1992) by [S.I. 1992/1217](#), [reg.7](#) (with [reg. 11](#)).
S. 72 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 8\(1\)\(b\)\(2\)\(b\)](#)

^{F14}72A Official testing stations.

The Secretary of State may provide and maintain stations (in this Part of this Act referred to as “official testing stations”) where inspections of goods vehicles for the purposes of section 72 may be carried out and may provide and maintain the apparatus for carrying out such inspections.

Textual Amendments

F14 Ss. 72 and 72A substituted (1.7.1992) for s. 72 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#). s.15; [S.I. 1992/1286](#), [art. 2](#),Sch.

Modifications etc. (not altering text)

C6 S. 72A restricted (1.7.1992) by [S.I. 1992/1217](#), [reg.7](#) (with [reg. 11](#)).
S. 72A excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 8\(1\)\(b\)\(2\)\(b\)](#)

73 Provisions supplementary to sections 69 to 72.

[^{F15}(1) Where it appears to a person giving a notice under section 69(6) or 70(2) of this Act that the vehicle concerned is [^{F16}, by virtue of section 5 of the Goods Vehicles (Licensing of Operators) Act 1995, authorised to be used under an operator’s licence,]], he must as soon as practicable take steps to bring the contents of the notice to the attention of—

- (a) the traffic commissioner by whom [^{F17} the licence was issued] , and
- (b) the holder of the licence if he is not in charge of the vehicle at the time when the notice is given.

[^{F18}(1ZA) Where in a case within subsection (1) above it appears to the person giving the notice that the vehicle is authorised to be used under two or more operators’ licences—

- (a) if those licences were issued by different traffic commissioners, his duty under paragraph (a) of that subsection may be discharged by taking steps to bring the contents of the notice to the attention of any one of those commissioners,

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- (b) if those licences are held by different persons and none of those persons is in charge of the vehicle at the time when the notice is given, his duty under paragraph (b) of that subsection may be discharged by taking steps to bring the contents of the notice to the attention of any one of those persons, and
 - (c) if those licences are held by different persons and any of those persons is in charge of the vehicle at the time when the notice is given, no steps need be taken under that subsection to bring the contents of the notice to the attention of the others.]
- (1A) Where it appears to a person giving a notice under section 69(6) or 70(2) of this Act that the vehicle concerned is used under a PSV operator’s licence, he must as soon as practicable take steps to bring the contents of the notice to the attention of—
- (a) the traffic commissioner by whom the PSV operator’s licence was granted for the vehicle, and
 - (b) the holder of the licence if he is not in charge of the vehicle at the time when the notice is given.
- (1B) In a case not within subsection (1) or subsection (1A) above, a person giving a notice under section 69(6) or 70(2) of this Act must as soon as practicable take steps to bring the contents of the notice to the attention of the owner of the vehicle if he is not in charge of it at the time when the notice is given.
- (1C) A person giving a notice to the owner of a vehicle under section 72(7) of this Act must as soon as practicable take steps to bring the contents of the notice to the attention of any other person—
- (a) who was the person to whom the previous notice under section 69(6) or 70(2) was given and was then the owner of the vehicle, or
 - (b) to whose attention the contents of the previous notice were brought under this section.
- ^{F19}(2)
- (3) Any reference in sections 69 to 72 of this Act to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.
- (4) In this section [^{F20}“operator’s licence” has the same meaning as in the Goods Vehicles (Licensing of Operators) Act 1995][^{F21}; and “PSV operator’s licence” has the same meaning as in the Public Passenger Vehicles Act 1981].

Textual Amendments

- F15** S. 73(1)(1A)(1B)(1C) substituted (1.7.1992) for s. 73(1) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 56(2); S.I. 1992/1286, art. 2, Sch.
- F16** Words in s. 73(1) substituted (1.1.1996) by 1995 c. 23, s. 60(1), Sch. 7 para. 12(1)(a) (with ss. 54, 55); S.I. 1995/2181, art. 2
- F17** Words in s. 73(1)(a) substituted (1.1.1996) by 1995 c. 23, s. 60(1), Sch. 7 para. 12(1)(b) (with ss. 54, 55); S.I. 1995/2181, art. 2
- F18** S. 73(1ZA) inserted (1.1.1996) by 1995 c. 23, s. 60(1), Sch. 7 para. 12(2) (with ss. 54, 55); S.I. 1995/2181, art. 2
- F19** S. 73(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 56(3), Sch. 8; S.I. 1992/1286, art. 2, Sch.
- F20** Words in s. 73(4) substituted (1.1.1996) by 1995 c. 23, s. 60(1), Sch. 7 para. 12(3) (with ss. 54, 55); S.I. 1995/2181, art. 2

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F21 Words in s. 73(4) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 56(4)**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C7 S. 73 restricted (1.7.1992) by S.I. 1992/1217, **reg. 7** (with reg. 11).
S. 73 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Status:

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Changes to legislation:

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