



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Testing vehicles on roads

67 Testing of condition of vehicles on roads.

- (1) An authorised examiner may test a motor vehicle on a road for the purpose of—
- ^{F1}[(a) ascertaining whether the following requirements, namely—
- (i) the construction and use requirements, 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, are complied with as respects the vehicle;]
- (b) bringing to the notice of the driver any failure to comply with those requirements.
- ^{F2}[(2) For the purpose of testing a vehicle under this section the examiner—
- (a) may require the driver to comply with his reasonable instructions, and
 - (b) may drive the vehicle.]
- (3) [^{F3}Subject to subsection (3A)]A vehicle shall not be required to stop for a test except by a constable in uniform.
- [^{F4}(3A) A stopping officer may direct the driver of a vehicle to stop the vehicle for the purposes of a test if the vehicle appears to the officer to be one to which subsection (3B) could apply.]
- [^{F4}(3B) This subsection applies to motor vehicles and trailers defined in categories 1, 2 and 3 of Annex I to Directive [2009/40/ EC](#) .]
- (4) The following persons may act as authorised examiners for the purposes of this section [^{F5}and section 67A of this Act]—

Status: Point in time view as at 19/01/2013.

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- ^{F6}(a)
- (b) a person appointed as an examiner under section [^{F7}66A] of this Act,
- (c) a person appointed to examine and inspect public carriages for the purposes of the ^{M1}Metropolitan Public Carriage Act 1869,
- (d) a person appointed to act for the purposes of this section by the Secretary of State,
- (e) a constable authorised so to act by or [^{F8}on behalf of a] chief officer of police,^{F9} ...
- [^{F10}(ea) a person appointed by a chief officer of police in England or Wales (other than the Commissioner of Police for the City of London) to act, under the directions of that chief officer, for the purposes of this section, and]
- (f) a person appointed by the police authority for a police area [^{F11}in Scotland, or by the Common Council of the City of London,] to act, under the directions of the chief officer of police, for the purposes of this section.
- (5) A person mentioned in subsection (4)(a) to (d) [^{F12}, (ea)] and (f) must produce his authority to act for the purposes of this section if required to do so.
- (6) On the examiner proceeding to test a vehicle under this section, the driver may, unless the test is required under subsection (7) or (8) below to be carried out forthwith, elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with Schedule 2 to this Act, and the provisions of that Schedule shall apply accordingly.
- (7) Where it appears to [^{F13}—
- (a) a constable, or
- (a) in the case of a vehicle to which subsection (3B) applies, a stopping officer,] that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, [^{F14}the constable or stopping officer] may require it to be so carried out and, if [^{F14}the constable or stopping officer] is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out.
- (8) Where in the opinion of [^{F15}—
- (a) a constable, or
- (b) in the case of a vehicle to which subsection (3B) applies, a stopping officer,] the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, [^{F16}the constable or stopping officer] may require the test to be carried out forthwith.
- (9) If a person obstructs an authorised examiner acting under this section, or fails to comply with a requirement of this section or Schedule 2 to this Act, he is guilty of an offence.
- [^{F17}(9A) In subsection (3B) “Directive 2009/40/ EC ” means the Directive of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers.]
- (10) In this section and in Schedule 2 to this Act—
- (a) “test” includes “inspect” or “inspection”, as the case may require, and
- (b) references to a vehicle include references to a trailer drawn by it.

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Textual Amendments

- F1** S. 67(1)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 10(2); S.I. 1992/1286, art. 2, Sch.
- F2** S. 67(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 10(3); S.I. 1992/1286, art. 2, Sch.
- F3** Words in s. 67(3) inserted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, 2(3)(a)
- F4** S. 67(3A)(3B) inserted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, 2(3)(b)
- F5** Words inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), Sch. 2 Pt. III para. 24 (which insertion was repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 10(2); S.I. 1992/1286, art. 2, Sch. Appendix)
- F6** S. 67(4)(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.
- F7** Words in s. 67(4)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 10(4); S.I. 1992/1286, art. 2, Sch.
- F8** Words in s. 67(4)(c) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 10(5); S.I. 1992/1286, art. 2, Sch.
- F9** Word in s. 67(4)(e) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 194(2)(a); S.I. 2011/3019, art. 3, Sch. 1
- F10** S. 67(4)(ea) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 194(2)(b); S.I. 2011/3019, art. 3, Sch. 1
- F11** Word in s. 67(4)(f) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 194(2)(c); S.I. 2011/3019, art. 3, Sch. 1
- F12** Words in s. 67(5) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 194(3); S.I. 2011/3019, art. 3, Sch. 1
- F13** Words in s. 67(7) substituted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, 2(3)(c)(i)
- F14** Words in s. 67(7) substituted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, 2(3)(c)(ii)
- F15** Words in s. 67(8) substituted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, 2(3)(d)(i)
- F16** Words in s. 67(8) substituted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, 2(3)(d)(ii)
- F17** S. 67(9A) inserted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, 2(3)(e)

Marginal Citations

- M1** 1869 c. 115.

67A Remediating defects discovered on roadside test.

F18

Textual Amendments

- F18** S. 67A repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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67B Tests to check whether defects have been remedied.

F19
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Textual Amendments
F19 S. 67B repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**

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