



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

[^{F1} Prohibition of unfit vehicles]

69 Power to prohibit the driving of unfit goods vehicles.

(1) If—

- (a) on any inspection of a goods vehicle under section 68 of this Act, or
- (b) on an examination of such a vehicle under regulations under section 49 or 61 of this Act,

it appears to a goods vehicle examiner [^{F1}or an 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 either absolutely or for a specified purpose.

(2) Where a goods vehicle examiner [^{F1}or an authorised inspector]prohibits the driving of a vehicle under subsection (1) above, he must 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 a specified purpose (and if the latter specifying the purpose), and
- (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(3) A prohibition under subsection (1) above with respect to any vehicle shall, subject to any exemption granted under subsection (6) below, come into force as soon as notice of it has been given under subsection (2) above if, in the opinion of the examiner [^{F2}or authorised inspector], the defects in the vehicle are such that driving it, or driving it for any purpose specified in the notice, [^{F3}will create an immediate risk to public safety][^{F3}would involve danger to any person], and the prohibition shall afterwards continue in force until it is removed under section 72 of this Act.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 69 is up to date with all changes known to be in force on or before 05 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)

- (4) In any other case a prohibition under subsection (1) above shall, unless previously removed under section 72 and subject to any exemption under subsection (6) below, come into force at such time not later than ten days from the date of the inspection as seems appropriate to the examiner [^{F2}or authorised inspector]having regard to all the circumstances, and shall afterwards continue in force until it is so removed.
- (5) A prohibition under subsection (1) above may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.
- (6) Where a notice has been given under subsection (2) above any examiner [^{F2}or authorised inspector]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.
- (7) Where any such notice has been given an examiner [^{F2}or authorised inspector]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 [^{F4}or cancel a direction under subsection (5) above with which the prohibition was imposed].

Textual Amendments

- F1** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 10(3)(c)**, 76(2) (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 4(2)(c)**)
- F2** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 10(3)**, 76(2) (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 4(2)(d)**)
- F3** Words commencing “would involve” substituted (*prosp.*) for words commencing “will create” by Transport Act 1982 (c. 49, SIF 107:1), **ss. 19(1)**, 76(2) (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 8(a)**)
- F4** Words added by Transport Act 1982 (c. 49, SIF 107:1), **ss. 19(2)**, 76(2) (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 8(b)**)

Status:

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Changes to legislation:

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