



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

[^{F1} Prohibition of unfit vehicles]

[^{F172} Removal of prohibitions.

- (1) A prohibition under section 69 or 70 of this Act may be removed by any goods vehicle examiner if he is satisfied that the vehicle is fit for service.
- (2) A person aggrieved by the refusal of an examiner appointed under section 68(1) of this Act to remove a prohibition may make an application to any licensing authority to have the vehicle inspected by a certifying officer appointed under the ^{M1}Public Passenger Vehicles Act 1981.
- (3) Where any such application is made, the certifying officer, on the matter being referred to him, must, if he considers that the vehicle is fit for service, remove the prohibition.
- (4) If the prohibition has been imposed with a direction under section 69(5) of this Act, a goods vehicle examiner must not remove it unless and until the vehicle has been inspected at an official testing station.
- (5) A person aggrieved by the refusal of a certifying officer 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, and the order shall be binding on the certifying officer.
- (7) Where a goods vehicle examiner removes a prohibition, he must forthwith give notice of the removal—
 - (a) to the owner of the vehicle, and

Status: Point in time view as at 13/02/1991. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 72 is up to date with all changes known to be in force on or before 31 July 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)

- (b) in the case of an authorised vehicle, to the licensing authority by whom the operator’s licence was granted for the vehicle.
- (8) 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 this section may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (9) In the case of vehicles brought to an official testing station for inspection with a view to removal of a prohibition, the Secretary of State may require the payment of fees for inspection, in accordance with prescribed scales and rates; and
- (a) payment of the fee may be required to be made in advance,
- (b) the Secretary of State must ensure that all the scales and rates prescribed for the purposes of this subsection are reasonably comparable with the fees charged by virtue of section 51(1)(h) of this Act in respect of the periodic examination of goods vehicles.
- (10) The Secretary of State may make regulations for prescribing anything which may be prescribed under subsection (5) or (9) above and for regulating the procedure on appeals to him under subsection (5) above.
- (11) A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this section.]

Textual Amendments

- F1** S. 72 containing subsections (1)-(8) substituted (*prosp.*) for s. 72 containing subsections (1)-(11) by [Transport Act 1982 \(c. 49, SIF 107:1\)](#), [ss. 20, 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. 9](#))

Marginal Citations

- M1** 1981 c. 14.

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