
STATUTORY INSTRUMENTS

1992 No. 1285

ROAD TRAFFIC

The Road Vehicles (Prohibition) Regulations 1992

<i>Made</i>	- - - -	<i>3rd June 1992</i>
<i>Laid before Parliament</i>		<i>9th June 1992</i>
<i>Coming into force</i>	- -	<i>1st July 1992</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 71(2), and 72 of the Road Traffic Act 1988(1) and of all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act hereby makes the following regulations:—

Preliminary

1. These Regulations may be cited as the Road Vehicles (Prohibition) Regulations 1992 and shall come into force on 1st July 1992.

Interpretation

2.—(1) In these Regulations—

“the 1981 Regulations” means the Motor Vehicles (Tests) Regulations 1981(2) as from time to time amended;

“the 1988 Regulations” means the Goods Vehicles (Plating and Testing) Regulations 1988(3) as from time to time amended;

“the 1988 Act” means the Road Traffic Act 1988;

“authorised constable” means a constable authorised to act for the purpose of section 72 of the 1988 Act by or on behalf of a chief officer of police;

“vehicle examiner” has the meaning given by section 66A of the 1988 Act;

“prohibition” means a prohibition under section 69 of the 1988 Act; and

(1) 1988 c. 52; sections 71 and 72 are prospectively substituted by sections 14 and 15 of the Road Traffic Act 1991 (c. 26). Section 14 and 15 of the 1991 Act are brought into force on 1st July 1992 by The Road Traffic Act 1991 (Commencement No. 4 and Transitional Provisions) Order 1992 (S.I.1992/1286) (c.42).

(2) S.I. 1981/1694; relevant amending instruments are S.I. 1984/401, 1986/372, 1988/339 and 989, 1989/321 and 1694, 1990/449 and 628, 1991/253, 455, 1525 and 2229 and 1992/566.

(3) S.I. 1988/1478 as amended by 1989/320 and 1693, 1990/448, 1991/252 and 454 and 1992/564.

“relevant test certificate”, in relation to a prohibition, means a test certificate issued in respect of the vehicle after the prohibition had been imposed.

(2) A reference to an inspection by a vehicle examiner shall be read as including a reference to an inspection under the direction of a vehicle examiner.

Exemptions from section 71(1) of the 1988 Act

3.—(1) The driving of a vehicle on a road—

- (a) solely for the purpose of submitting it by previous arrangement for a specified time on a specified date for an inspection by a vehicle examiner or authorised constable with a view to the removal of the prohibition;
 - (b) solely for the purpose of submitting it by previous arrangement for a specified time on a specified date for an inspection by a vehicle examiner with a view to the removal of the prohibition and the issue of either a test certificate or a goods vehicle test certificate;
 - (c) in the course of an inspection with a view to the removal of a prohibition; or
 - (d) within 3 miles from where it is being, or has been, repaired solely for the purpose of its test or trial with a view to the removal of a prohibition,
- is exempted from section 71(1)(a) and (b) of the 1988 Act.

(2) Where a prohibition has been imposed with a direction under section 69A(3) of the 1988 Act, the driving of the vehicle on a road solely for the purpose of submitting it by previous arrangement at a specified time for an examination under section 45(3) of the 1988 Act with a view to obtaining a test certificate or bringing it away from such an examination is exempted from section 71(1)(a) and (b) of that Act.

(3) Where—

- (a) a prohibition has been imposed with a direction under section 69A(3) of the 1988 Act, and
- (b) a relevant test certificate has been issued,

the driving of the vehicle on a road to a police station with a view to the prohibition being removed under regulation 4(3) of these Regulations is exempted from section 71(1)(a) and (b) of that Act.

Removal of prohibitions imposed with a direction under section 69A(3) of the 1988 Act

4.—(1) This regulation applies where a prohibition has been imposed with a direction under section 69A(3) of the 1988 Act.

(2) Where a vehicle examiner has issued a relevant test certificate, the prohibition may be removed by—

- (a) the vehicle examiner who issued the certificate, or
- (b) a person who has been authorised for the purpose by or on behalf of the Secretary of State and to whom the certificate has been produced.

(3) The prohibition may also be removed by a person who has been authorised for the purpose by or on behalf of a chief officer of police and to whom a relevant test certificate has been produced at a police station.

Removal of prohibitions imposed with a direction under section 69A(4)

5.—(1) This regulation applies where a prohibition has been imposed under section 69A(4) of the 1988 Act.

(2) The requirements relating to the inspection of the vehicle which have to be complied with before the prohibition can be removed are that the vehicle must have been inspected by a vehicle examiner or an authorised constable.

Appeals relating to prohibitions

6.—(1) This regulation applies to appeals to the Secretary of State under section 72(5) of the 1988 Act (appeals against the refusal of a vehicle examiner or authorised constable to remove a prohibition).

(2) Every appeal to which the section applies shall be made within 14 days of the date on which the vehicle examiner or authorised constable refused to remove the prohibition in question.

(3) Every such appeal shall—

(a) be in writing; and

(b) contain a statement of the grounds on which it is made,

and shall be delivered to the Secretary of State.

(4) Every such appeal relating to a goods vehicle shall be accompanied by such fee as is payable in respect of the vehicle under regulation 25 of the 1988 Regulations on an appeal to the Secretary of State under those Regulations.

(5) Every such appeal relating to a vehicle other than a goods vehicle shall be accompanied by such fee as is payable in respect of the vehicle under regulation 21 of the 1981 Regulations on an appeal under those Regulations.

Fees relating to inspection of goods vehicles

7.—(1) This regulation shall have effect for the purpose of prescribing the scales and rates of fees for the inspection of a vehicle which is of a class to which regulations under section 49 of the 1988 Act apply with a view to the removal of a prohibition.

(2) Subject to paragraph (3) below, the fee shall be such fee as is payable in respect of the vehicle under regulation 12 of the 1988 Regulations on an application for a periodical test.

(3) If after an inspection of a vehicle a vehicle examiner refuses to remove the prohibition, the fee for a further inspection shall be such fee (if any) as would be payable in like circumstances under regulation 16 of the 1988 Regulations for a re-test of the vehicle after a notification of a refusal of a goods vehicle test certificate.

(4) Regulations 12(4) and 16(2A) of the 1988 Regulations shall apply with appropriate modification to an inspection carried out on a Saturday at the request of the applicant.

Fees relating to the inspection of vehicles other than goods vehicles

8.—(1) This regulation shall have effect for the purpose of prescribing the scales and rates of fees for the inspection of a vehicle, not being a vehicle to which regulation 7 applies, with a view to the removal of a prohibition.

(2) Subject to paragraph (3) below, the fee shall be such fee as is payable under regulation 20 of the 1981 Regulations for an examination pursuant to an application made under regulation 12 of those Regulations.

(3) Regulation 20(2A), (3), (3A) and (4) of the 1981 Regulations shall apply with appropriate modification to an inspection or further inspection after a vehicle has failed an inspection.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocations

9. The Goods Vehicles (Prohibitions) (Exemptions and Appeals) Regulations 1987(4) and the Public Passenger Vehicles (Exemptions, and Appeals Against Refusals to Issue Certificates or Remove Prohibitions) Regulations 1987(5) are hereby revoked.

Signed by authority of the Secretary of State for Transport

3rd June 1992

Kenneth Carlisle
Parliamentary Under Secretary of State,
Department of Transport

(4) S.I. 1987/1149.
(5) S.I. 1987/1150.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, amongst other things, replace with modifications the Goods Vehicles (Prohibitions) (Exemptions and Appeals) Regulations 1987 and the Public Passenger Vehicles (Exemptions, and Appeals Against Refusals to Issue Certificates or Remove Prohibitions) Regulations 1987.

Sections 69 and 71 to 73 of the Road Traffic Act 1988 as amended by the Road Traffic Act 1991 make provision for the prohibition of vehicles which appear to be unfit for service and the removal of prohibitions.

Section 71 of the 1988 Act makes it an offence for a person to drive a vehicle in contravention of a prohibition. Regulation 3 provides for exceptions.

Section 69A(3) of the 1988 Act enables a prohibition to be imposed on a vehicle which is subject to the MOT testing scheme making it irremovable until it has been inspected and an MOT test certificate issued. Regulation 4 prescribes the persons who can then remove the prohibition and the requirements which have to be complied with.

Section 69A(4) of the 1988 Act enables a prohibition on a vehicle which is not subject to either the MOT testing scheme or the goods vehicle testing scheme to be imposed with a direction making it irremovable until it has been inspected in accordance with regulations under section 72 of the Act. Regulation 5 sets out the requirements.

Regulation 6 makes provision for appeals to the Secretary of State against a refusal to remove a prohibition.

Regulations 7 and 8 prescribe fees for the inspection of a vehicle with a view to the removal of a prohibition.