STATUTORY INSTRUMENTS

1971 No. 2020

ROAD TRAFFIC

The Goods Vehicles (Prohibitions) (Exemptions and Appeals) Regulations 1971

Made - - -	10*th December* 1971
Laid before Parliament	21*st December* 1971
Coming into Operation	1*st January* 1972

The Secretary of State for the Environment (hereinafter referred to as "the Secretary of State"), in exercise of his powers under sections 185(3) and 190(1) of the Road Traffic Act 1960(**a**), section 16(10) of the Road Safety Act 1967(**b**), and of all other enabling powers, and after consultation with representative organisations in accordance with section 260(2) of the said Act of 1960, hereby makes the following Regulations :—

Commencement and citation

1. These Regulations shall come into operation on the 1st January 1972, and may be cited as the Goods Vehicles (Prohibitions) (Exemptions and Appeals) Regulations 1971.

Revocation

2. The Regulations specified in the Schedule to these Regulations are hereby revoked.

Interpretation

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

"the 1960 Act" means the Road Traffic Act 1960 ;

"the 1967 Act" means the Road Safety Act 1967 ;

"inspection" means any inspection of a vehicle required for the purposes of section 185(1), (2) or (3) of the 1960 Act ;

"traffic area" means any such area as is a traffic area for the purposes of Part III of the 1960 Act, and "office", in relation to such an area, means an office provided for the use of the Licensing Authority for that area ;

"vehicle testing station" means a station provided by the Secretary of State under section 24 of the 1967 Act.

(**a**) 1960 c. 16. (**b**) 1967 c. 30.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 of these Regulations were Acts of Parliament thereby repealed.

*Exemptions from s.*16(9) *of the* 1967 *Act*

4. The use of a goods 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 at a vehicle testing station or such other place as shall have been agreed between the person proposing to carry out, and the person submitting the vehicle for, the inspection ; or

(*b*) in the course of an inspection for the purpose of taking it to, or bringing it away from, any place where a part of the inspection is to be, or as the case may be, has been carried out, or of carrying out any part of the inspection, the person so using it being a person carrying out the inspection; or

(*c*) for the purpose of its test or trial within three miles of the place where it is being, or has been, repaired with a view to the removal under section 185 of the 1960 Act of a prohibition,

is exempted from section 16(9) of the 1967 Act (which makes it an offence to drive a vehicle on a road in contravention of a prohibition under s.16 of that Act).

*Provisions as to prohibitions under s.*16 *of the* 1967 *Act*

5.—(1) Where a certifying officer has under the provisions of section 185(2) of the 1960 Act inspected a vehicle he shall within seven days of such inspection give his decision, whether or not to remove the prohibition, in writing to the person on whose application he examined the vehicle.

(2) Every appeal to the Secretary of State against the refusal of a certifying officer to remove a prohibition shall be made in writing within fourteen days of the date on which he notified the person in accordance with the provisions of paragraph (1) of this Regulation.

(3) Every such appeal shall be lodged at the office of any traffic area.

Signed by authority of the Secretary of State.
10th December 1971.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

(a) 1889 c. 63.

SCHEDULE

Regulations Revoked by Regulation 2

Title	Year and Number
The Goods Vehicles (Licences and Prohibitions) Regulations 1960	S.I. 1960/1505 (1960 III, p. 3020)
The Goods Vehicles (Licences and Prohibitions) (Amendment) Regulations 1962	S.I. 1962/927 (1962 II, p. 1074)
The Goods Vehicles (Licences and Prohibitions) (Amendment) Regulations 1969	S.I. 1969/420 (1969 I, p. 1212)
The Goods Vehicles (Licences and Prohibitions) (Amendment) (No. 2) Regulations 1969	S.I. 1969/1638 (1969 III, p. 5159)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are consequent upon the coming into operation on the 1st January 1972 of s.16 of the Road Safety Act 1967 which gives new powers for goods vehicle examiners to prohibit the driving on roads of unfit goods vehicles.

Regulation 4 exempts from s.16(9) of the 1967 Act (which makes it an offence to drive a goods vehicle on a road in contravention of a prohibition under s.16) the use of a goods vehicle for certain specified purposes.

Regulation 5 deals with certain procedural matters in connection with the removal under s.185 of the Road Traffic Act 1960 of a prohibition under s.16.

The Regulations specified in the Schedule, which dealt with, inter alia, carriers' licences under Part IV of the Road Traffic Act 1960 for goods vehicles and now superseded by operators' licences under Part V of the Transport Act 1968 (c.73), are revoked.