

Heavy Commercial Vehicles (Controls and Regulations) Act 1973

1973 CHAPTER 44

An Act to make new provisions governing the construction and use of heavy commercial vehicles, and to control the movement and parking of such vehicles.

[25th July 1973]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Control of heavy commercial vehicles. 1967 c. 76.

1.—(1) In section 1 (traffic regulation orders outside Greater London) of the Road Traffic Regulation Act 1967 (in this section referred to as " the 1967 Act ") after subsection (3A) there shall be inserted the following subsections:—

" (3AA) A local authority (as defined in subsection (2)(*a*) above) may include in a traffic regulation order any such provision—

(*a*) specifying through routes for heavy commercial vehicles; or

(*b*) prohibiting or restricting the use of heavy commercial vehicles (except in such cases (if any) as may be specified in the order) in such zones or on such roads as may be so specified,

as they consider expedient for preserving or improving the amenities of their area or of some part or parts of their area.

(3AB) Nothing in subsection (3AA) above shall be construed as limiting the scope of any power or duty to control vehicles conferred or imposed on a local authority or the Secretary of State otherwise than by virtue of that subsection.".

(2) In subsection (6) of the said section 1, after the words "traffic on the road" there shall be inserted the words "or for preserving or improving the amenities of an area by prohibiting or restricting the use on a road or roads in that area of heavy commercial vehicles,".

(3) After that section there shall be inserted the following section:—

"Duty of local authority to take measures for control of heavy commercial vehicles.

1A.—(1) It shall be the duty of every local authority (as defined in section 1(2)(*a*) above) as soon as possible after the relevant date, to carry out a survey of their area and to formulate written proposals, on the basis of the survey and of consultations under subsection (2) below, for the regulation by means of an order or orders made under section 1(3AA) above of the use of roads in their area by heavy commercial vehicles so as to preserve or improve the amenities of their area.

In this subsection "the relevant date" means, for an authority whose area is in England or Wales, 1st April 1974, and for an authority whose area is in Scotland, 16th May 1975.

(2) In formulating proposals under subsection (1) above, an authority shall consult such other councils, such chief officers of police and such bodies representative of—

(*a*) persons concerned with the preservation of amenities or the natural beauty of the countryside; and

(*b*) persons engaged in the operation of heavy commercial vehicles; and

(*c*) persons engaged in other commercial or industrial activities; and

(*d*) the trade unions representing drivers of heavy commercial vehicles,

as appear to them to be appropriate.

(3) It shall be the duty of an authority to publish in respect of their area in accordance with regulations under section 84C below a draft order or orders for the purpose mentioned in subsection (1) above—

(*a*) if their area is in England or Wales, not later than 1st January 1977 or such later date as the Secretary of State may in their case authorise; and

(*b*) if it is in Scotland, not later than 1st January 1978 or such later date as the Secretary of State may in their case authorise,

and thereafter to proceed in accordance with those regulations to make such an order or orders.".

(4) In section 5(3) of the 1967 Act (orders for purpose of general scheme of traffic control) after paragraph (*b*) there shall be inserted the following paragraph:—

"(*bb*) takes adequate account of the effect of heavy commercial vehicles on amenities; and".

(5) For paragraph (*b*) of section 84(1) of that Act (general duty of Greater London Council and other local authorities with respect to road traffic) there shall be substituted the following paragraph:—

"(*b*) the effect on the amenities of any locality affected and, without prejudice to the generality of this paragraph, the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run,".

(6) After section 84A(2) of that Act (reserve powers of Secretary of State) there shall be inserted the following subsection:—

"(2A) Subsections (1) and (2) above shall have effect, in any case in which it appears to the Secretary of State—

(*a*) that a local authority (as defined in section 1(2)(*a*) above)—

(i) have published a draft order under section 1A(3) above which is unsatisfactory for the purpose of discharging any duty to control heavy commercial vehicles imposed on them by this Act or are otherwise in default in the discharge of any such duty; or

(ii) have by unreasonable delay made it certain or likely that they will be unable to prevent a default in the discharge of any such duty; or

(*b*) that the Greater London Council have failed in the exercise of the powers conferred on them by section 6 above to make such provision for the control of heavy commercial vehicles in Greater London as is appropriate for preserving or improving the amenities of Greater London,

as if the power conferred by subsection (1) above to give a direction with respect to section 1 or section 6 above were a duty to give such a direction and the power to make an order under either of those sections conferred by subsection (2) above were a duty to make such an order or a similar

order under section 9 above; and any reference to either of those subsections in any other provision of this Act shall be construed as including a reference to the subsection in question as modified by this subsection.".

(7) After section 104(1) of that Act (general interpretation provisions) there shall be inserted the following subsections:—

"(1A) Subject to subsections (1B), (1C) and (1D) below, in this Act "heavy commercial vehicle" means any vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods and has an unladen weight exceeding three tons.

(1B) The Secretary of State may by regulations amend subsection (1A) above in either or both of the following ways, namely—

(*a*) by substituting for the reference to unladen weight a reference to such other description of weight as may be specified in the regulations; or

(*b*) by substituting for the reference to three tons a reference to such other weight as may be so specified.

(1C) Different regulations may be made under subsection (1B) above for the purpose of different provisions of this Act and as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.

(1D) Regulations under subsection (1B) above shall not so amend subsection (1A) above that there is any case in which a vehicle whose unladen weight does not exceed three tons is a heavy commercial vehicle for any of the purposes of this Act.

(1E) In the application of subsections (1A), (1B), (1C) and (1D) above to a vehicle drawing one or more trailers the drawing vehicle and the trailer or trailers shall be treated as one vehicle.".

Prohibition of parking of heavy commercial vehicles on verges and footways. 1972 c. 20.

2.—(1) After section 36 of the Road Traffic Act 1972 there shall be inserted the following:—

"Prohibition of parking of heavy commercial vehicles on verges and footways.

36A.—(1) Subject to subsection (2) below, a person who parks a heavy commercial vehicle wholly or partly—

(*a*) on the verge of a road; or

(*b*) on any land situated between two carriageways and which is not a footway; or

(*c*) on a footway;

shall be guilty of an offence.

(2) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court—

(*a*) that it was parked in accordance with permission given by a constable in uniform; or

(*b*) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency; or

(*c*) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.

(3) The conditions mentioned in subsection (2)(*c*) above are—

(*a*) that the vehicle was parked on the verge of a road or on a footway for the purpose of loading or unloading; and

(*b*) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge; and

(*c*) that the vehicle was not left unattended at any time while it was so parked.

(4) In this section "carriageway" and "footway" have the same meanings respectively as in the Highways Act 1959 or, as respects Scotland, the Roads (Scotland) Act 1970.

1959 c. 25.
1970 c. 20.

(5) Subject to subsections (6), (7) and (8) below, in this section "heavy commercial vehicle" means any vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods, and has an unladen weight exceeding three tons.

(6) The Secretary of State may by regulations amend subsection (5) above in either or both of the following ways, namely—

(*a*) by substituting for the reference to unladen weight a reference to such other description of weight as may be specified in the regulations; or

(*b*) by substituting for the reference to three tons a reference to such other weight as may be so specified.

(7) Different regulations may be made under subsection (6) above as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects different localities.

(8) Regulations under subsection (6) above shall not so amend subsection (5) above that there is any case in which a vehicle whose unladen weight does not exceed three tons is a heavy commercial vehicle for any of the purposes of this section.

(9) In the application of subsections (5), (6), (7) and (8) above to a vehicle drawing one or more trailers the drawing vehicle and the trailer or trailers shall be treated as one vehicle.".

(2) After the reference to the said section 36 in Part I of Schedule 4 to the said Act of 1972 there shall be inserted:—

"36A	Prohibition of parking of heavy commercial vehicles on verges and footways.	Summarily	£50	—	—	Sections 181 and 183 apply."

Directions to drivers of overloaded vehicles.

3.—(1) At the end of section 57(7) of the said Act of 1972 there shall be inserted:—

" and, if the vehicle is a heavy commercial vehicle, he may also by direction in writing require the person in charge of the vehicle to remove it (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with that direction.

(7A) In this section " heavy commercial vehicle " means any vehicle which is constructed or adapted for the carriage of goods, and has an unladen weight exceeding three tons, and in the application of this definition to a vehicle drawing one or more trailers the drawing vehicle and the trailer or trailers shall be treated as one vehicle.

(7B) Nothing in subsection (7) above shall be construed as limiting the power of the Secretary of State to make regulations under subsection (10) below.".

(2) For subsection (9) of the said section 57 there shall be substituted the following subsection:—

" (9) A person who—

(*a*) drives a goods vehicle on a road, or causes or permits a goods vehicle to be so driven, in contravention of a prohibition under this section ; or

(*b*) refuses, neglects or otherwise fails to comply within a reasonable time with a direction under subsection (7) above,

shall be guilty of an offence.";

and accordingly, in column 2 of the reference to the said subsection (9) in Part I of Schedule 4 to that Act, after the word " service " there shall be inserted the words " or refusing, neglecting or otherwise failing to comply with a direction to remove a dangerous heavy commercial vehicle ".

Short title and extent.

4.—(1) This Act may be cited as the Heavy Commercial Vehicles (Controls and Regulations) Act 1973.

(2) This Act does not extend to Northern Ireland.