

Road Safety Act 1967

1967 CHAPTER 30

An Act to make further provision with respect to persons driving or being in charge of motor vehicles after consuming alcohol or taking drugs and with respect to goods vehicles and to empower constables to arrest persons suspected of driving or attempting to drive while disqualified. [10th May 1967]

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:—

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DRIVING, ETC., WITH AN UNDUE PROPORTION OF ALCOHOL IN THE BLOOD

Driving or being in charge with blood-alcohol concentration above the prescribed limit.

1.—(1) If a person drives or attempts to drive a motor vehicle on a road or other public place, having consumed alcohol in such a quantity that the proportion thereof in his blood, as ascertained from a laboratory test for which he subsequently provides a specimen under section 3 of this Act, exceeds the prescribed limit at the time he provides the specimen, he shall be liable—

(*a*) on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding four months or both or, in the case of a second or subsequent conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or both;

(*b*) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

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(2) Without prejudice to the foregoing subsection, if a person is in charge of a motor vehicle on a road or other public place having consumed alcohol as aforesaid, he shall be liable—

(*a*) on summary conviction, to a fine not exceeding £100 or imprisonment for a term not exceeding four months or both;

(*b*) on conviction on indictment, to a fine or imprisonment for a term not exceeding twelve months or both.

(3) A person shall not be convicted under this section of being in charge of a motor vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as there was any probability of his having alcohol in his blood in a proportion exceeding the prescribed limit.

(4) In determining for the purposes of the last foregoing subsection the likelihood of a person's driving a motor vehicle when he is injured or the vehicle is damaged, the jury, in the case of proceedings on indictment, may be directed to disregard, and the court in any other case may disregard, the fact that he had been injured or that the vehicle had been damaged.

(5) Section 6(2)(ii) of the principal Act (which includes as an ingredient of a defence on a prosecution of being in charge of a motor vehicle the need to prove that the accused had not driven the vehicle between becoming impaired and the material time) shall cease to have effect.

Breath tests.

2.—(1) A constable in uniform may require any person driving or attempting to drive a motor vehicle on a road or other public place to provide a specimen of breath for a breath test there or nearby, if the constable has reasonable cause—

(*a*) to suspect him of having alcohol in his body; or

(*b*) to suspect him of having committed a traffic offence while the vehicle was in motion:

Provided that no requirement may be made by virtue of paragraph (*b*) of this subsection unless it is made as soon as reasonably practicable after the commission of the traffic offence.

(2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a constable in uniform may require any person who he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident to provide a specimen of breath for a breath test—

(*a*) except while that person is at a hospital as a patient, either at or near the place where the requirement is

made or, if the constable thinks fit, at a police station specified by the constable;

(*b*) in the said excepted case, at the hospital;

but a person shall not be required to provide such a specimen while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) A person who, without reasonable excuse, fails to provide a specimen of breath for a breath test under either of the two foregoing subsections shall be liable on summary conviction to a fine not exceeding £50.

(4) If it appears to a constable in consequence of a breath test carried out by him on any person under subsection (1) or (2) of this section that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood exceeds the prescribed limit, the constable may arrest that person without warrant except while that person is at a hospital as a patient.

(5) If a person required by a constable under subsection (1) or (2) of this section to provide a specimen of breath for a breath test fails to do so and the constable has reasonable cause to suspect him of having alcohol in his body, the constable may arrest him without warrant except while he is at a hospital as a patient.

(6) The two last foregoing subsections shall not be construed as prejudicing the provisions of section 6(4) of the principal Act (arrest of persons driving or being in charge when their ability to drive properly is impaired through drink or drugs).

(7) A person arrested under this section or under the said section 6(4) shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(8) In this section "traffic offence" means an offence under any provision of the Road Traffic Acts 1960 to 1967 or of the Road Transport Lighting Act 1957. 1957 c. 51.

Laboratory tests.

3.—(1) A person who has been arrested under the last foregoing section or section 6(4) of the principal Act may, while at a police station, be required by a constable to provide a specimen for a laboratory test (which may be a specimen of blood or of urine), if he has previously been given an opportunity to provide a specimen of breath for a breath test at that station under subsection (7) of the last foregoing section, and either—

(*a*) it appears to a constable in consequence of the breath test that the device by means of which the test is

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carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit; or

(*b*) when given the opportunity to provide that specimen, he fails to do so.

(2) A person while at a hospital as a patient may be required by a constable to provide at the hospital a specimen for a laboratory test—

(*a*) if it appears to a constable in consequence of a breath test carried out on that person under section 2(2) of this Act that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit; or

(*b*) if that person has been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, but fails to do so and a constable has reasonable cause to suspect him of having alcohol in his body;

but a person shall not be required to provide a specimen for a laboratory test under this subsection if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision, the requirement to provide it or a warning under subsection (10) of this section would be prejudicial to the proper care or treatment of the patient.

(3) A person who, without reasonable excuse, fails to provide a specimen for a laboratory test in pursuance of a requirement imposed under this section shall be guilty of an offence, and—

(*a*) if it is shown that at the relevant time he was driving or attempting to drive a motor vehicle on a road or other public place, he shall be liable to be proceeded against and punished as if the offence charged were an offence under section 1(1) of this Act; and

(*b*) in any other case, if it is shown that at that time he was in charge of a motor vehicle on a road or other public place, he shall be liable to be proceeded against and punished as if the offence charged were an offence under section 1(2) of this Act.

(4) In the last foregoing subsection "the relevant time" means—

(*a*) in relation to a person required under section 2(1) of this Act to provide a specimen of breath for a breath test, the time when he was so required;

(*b*) in relation to a person required under section 2(2) of this Act to provide such a specimen, the time of the accident;

(*c*) in relation to a person arrested under section 6(4) of the principal Act, the time of his arrest.

(5) So much of section 2(1) of the 1962 Act (evidence on charge of unfitness to drive) as relates to the provision of a specimen of breath shall cease to have effect, but save as aforesaid nothing in the foregoing provisions of this section shall affect the provisions of the said section 2(1).

(6) A person shall not be treated for the purposes of section 2(1) of the 1962 Act or subsection (3) of this section as failing to provide a specimen unless—

(*a*) he is first requested to provide a specimen of blood, but refuses to do so;

(*b*) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them; and

(*c*) he is again requested to provide a specimen of blood, but refuses to do so.

(7) The first specimen of urine provided in pursuance of a request under paragraph (*b*) of the last foregoing subsection shall be disregarded for the purposes of section 2 of the 1962 Act and section 1 of this Act.

(8) Subsections (2) to (7) of the said section 2 (ancillary provisions about evidence of fitness to drive) shall apply in relation to proceedings for an offence under section 1 of this Act as they apply in relation to proceedings for an offence under section 6 of the principal Act (driving or being in charge of a motor vehicle while the ability to drive properly is impaired through drink or drugs), but, in its application to proceedings for an offence under the said section 1, the said subsection (2) shall have effect as if the words from "and in the case" to "the specimen" were omitted.

(9) For the purposes of any proceedings for an offence under section 6 of the principal Act or section 1 of this Act a certificate purporting to be signed by a medical practitioner that he took a specimen of blood from a person with his consent shall be evidence of the matters so certified, and of the qualifications of the medical practitioner, and the proviso to subsection (2) and subsection (3) of section 2 of the 1962 Act shall apply in relation to a certificate under this subsection and the medical practitioner who signed it as they apply in relation to a certificate under the said subsection (2) and the person who signed that certificate.

(10) A constable shall on requiring any person under this section to provide a specimen for a laboratory test warn him that failure to provide a specimen of blood or urine may make

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him liable to imprisonment, a fine and disqualification, and, if the constable fails to do so, the court before which that person is charged with an offence under section 1 of this Act or this section may direct an acquittal or dismiss the charge, as the case may require.

Detention of persons while affected by alcohol.

4. Any person required to provide a specimen for a laboratory test under section 3(1) of this Act may thereafter be detained at the police station until he provides a specimen of breath for a breath test and it appears to a constable that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood does not exceed the prescribed limit.

Consequences of conviction of certain offences of driving or being in charge.

5.—(1) A person convicted of any of the following offences, that is to say, an offence under section 6(1) of the principal Act (driving a vehicle while the ability to drive properly is impaired), an offence under section 1(1) of this Act and an offence under section 3(3) of this Act which is punishable by virtue of paragraph (*a*) of the said subsection (3), shall be treated for the purposes of determining his liability to punishment on a subsequent conviction of any other of those offences as having been convicted of that other offence.

(2) For the purposes of sections 5 and 7 of the 1962 Act (disqualification for holding a licence and endorsement of licences)—

(*a*) an offence under section 1(1) of this Act or an offence under section 3(3) of this Act which is punishable by virtue of paragraph (*a*) of the said subsection (3) shall be treated as if it were an offence under section 6(1) of the principal Act and accordingly as if it were an offence specified in Part I of Schedule 1 to the 1962 Act (offences involving obligatory disqualification); and

(*b*) any other offence under the said section 1 or 3 shall be treated as if it were an offence under section 6(2) of the principal Act and accordingly as if it were an offence specified in Part II of the said Schedule 1 (offences involving discretionary disqualification).

Application of Part I to the Crown.

6.—(1) This Part of this Act shall apply to vehicles and persons in the public service of the Crown and shall, in its application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—

(*a*) references to a constable included references to a member of the provost staff;

(*b*) references to a hospital included references to a naval, military or air force unit or establishment at which

medical or surgical treatment is provided for persons subject to service discipline;

(*c*) references to a police station included references to a naval, military or air force unit or establishment;

(*d*) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence;

(*e*) references to the court included a reference to any naval, military or air force authority;

(*f*) in section 2(1) the reference to a traffic offence included a reference to the corresponding service offence; and

(*g*) in section 3(10) the reference to disqualification were omitted and for the reference to directing an acquittal there were substituted a reference to finding the person in question not guilty without further proceeding with the case.

(2) In relation to persons for the time being subject to service discipline the power of arrest conferred on a constable by section 6(4) of the principal Act (arrest of persons driving or being in charge when their ability to drive properly is impaired) shall also be exercisable by a member of the provost staff and shall be so exercisable outside as well as within Great Britain.

(3) In this section—

"corresponding service offence", in relation to an offence under any enactment, means an offence under section 42 of the Naval Discipline Act 1957 or an offence against section 70 of the Army Act 1955 or section 70 of the Air Force Act 1955, committed by an act or omission which is punishable under that enactment or would be so punishable if committed in Great Britain; 1957 c. 53. 1955 c. 18. 1955 c. 19.

"member of the provost staff" means a provost officer or any person legally exercising authority under or on behalf of a provost officer;

"persons subject to service discipline" means persons subject to the said Act of 1957, to military law or to air force law and other persons to whom section 42 of the said Act of 1957 or section 70 of either of the said Acts of 1955 for the time being applies; and

"provost officer" means a person who is a provost officer within the meaning of the said Act of 1957 or either of the said Acts of 1955.

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Interpretation of Part I.

7.—(1) In this Part of this Act, except so far as the context otherwise requires—

"breath test" means a test for the purpose of obtaining an indication of the proportion of alcohol in a person's blood carried out, by means of a device of a type approved for the purpose of such a test by the Secretary of State, on a specimen of breath provided by that person;

"disqualification" means disqualification for holding or obtaining a licence to drive a motor vehicle granted under Part II of the principal Act;

"fail", in relation to providing a specimen, includes refuse and "failure" shall be construed accordingly;

"hospital" means an institution which provides medical or surgical treatment for in-patients or out-patients;

"laboratory test" means the analysis of a specimen provided for the purpose;

"the prescribed limit" means 80 milligrammes of alcohol in 100 millilitres of blood or such other proportion as may be prescribed by regulations made by statutory instrument by the Minister.

(2) A person shall be treated for the purposes of this Part of this Act as providing a specimen of blood if, but only if, he consents to the specimen being taken by a medical practitioner and it is so taken and shall be treated for those purposes as providing it at the time it is so taken.

(3) References in this Part of this Act to providing a specimen of breath for a breath test are references to providing a specimen thereof in sufficient quantity to enable that test to be carried out.

(4) For the purposes of this Part of this Act 107 milligrammes of alcohol in 100 millilitres of urine shall be treated as equivalent to 80 milligrammes of alcohol in 100 millilitres of blood, and the power conferred by subsection (1) of this section to prescribe some other proportion of alcohol in the blood shall include power to prescribe a proportion of alcohol in urine which is to be treated as equivalent to the prescribed proportion of alcohol in the blood.

(5) The Minister shall not make any regulations under subsection (1) of this section unless a draft of the regulations has been approved by both Houses of Parliament.

PART II

GOODS VEHICLES

Special provisions as to weights for and testing of goods vehicles

Extension of powers to regulate the construction and use of goods vehicles.

8.—(1) The power of the Minister to make regulations under section 64 of the principal Act (regulations as to the construction and use of motor vehicles and trailers, including, among other things, regulations about their maximum weight, laden and unladen, and the particulars to be marked on them) shall, as respects goods vehicles, include power to make regulations—

(*a*) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles;

(*b*) providing for the marking on such vehicles of weights of any description or other particulars by means of plates (of any material) fixed thereto;

(*c*) providing for the circumstances in which any particulars which are to be marked on such vehicles are to be so marked;

(*d*) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under the next following section.

(2) In framing regulations under the said section 64 prescribing a weight of any description which is not to be exceeded in the case of goods vehicles of a class for which a manufacturer's certificate or Minister's approval certificate may be issued under section 10 of this Act the Minister shall have regard to the design weight of the like description determined by virtue of the said section 10 for vehicles of that class and shall secure that the first-mentioned weight shall not exceed the design weight.

(3) Any particulars required to be marked on a goods vehicle in pursuance of regulations under the said section 64 by means of a plate are hereafter in this Act referred to as plated particulars and any weights required to be so marked are hereafter in this Act referred to as plated weights.

(4) The mention of any matter in subsection (1) of this section shall not be construed as derogating from the powers exercisable by the Minister under the said section 64 apart from that subsection.

(5) Section 64(3) of the principal Act (exemption of certain vehicles from requirements of new regulations about the construction or weight of vehicles) shall not apply in relation to regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight, or in relation to regulations made by virtue of subsection (1) of this section.

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Determination of plated weights and other particulars, and goods vehicle tests.

9.—(1) The Minister may by regulations make provision for the examination of goods vehicles of any prescribed class for the purpose of selecting or otherwise determining plated weights or other plated particulars for goods vehicles of that class or for the purpose of ascertaining whether any prescribed construction and use requirements (whether relating to plated particulars or not) are complied with in the case of goods vehicles of that class, or for both purposes, and in particular—

(*a*) for the determination, according to criteria or by methods prescribed by or determined under the regulations, of the plated particulars for a goods vehicle (including its plated weights), on an examination of the vehicle for the purpose, and for the issue on such an examination, except as provided by regulations made by virtue of paragraph (*c*) of this subsection, of a certificate (hereafter in this Act referred to as a "plating certificate") specifying those particulars;

(*b*) for the issue, for a goods vehicle which is found on an examination for the purpose to comply with the prescribed construction and use requirements, of a certificate (hereafter in this Act referred to as "a goods vehicle test certificate") stating that the vehicle does so comply; and

(*c*) for the refusal of a goods vehicle test certificate for a goods vehicle which is so found not to comply with those requirements and for requiring a written notification to be given of any such refusal and of the grounds of the refusal, and for the refusal of a plating certificate where a goods vehicle test certificate is refused.

References in the foregoing provisions of this subsection to construction and use requirements shall be construed, in relation to an examination of a vehicle solely for the purpose of ascertaining whether it complies with any such requirements, as references to such of those requirements as are applicable to the vehicle at the time of the test and, in relation to an examination of a vehicle both for that purpose and for the purpose of determining its plated particulars, as references to such of those requirements as will be applicable to the vehicle if a plating certificate is issued for it.

(2) In the following provisions of this Act "examination for plating" means an examination under regulations under this section for the purpose of determining plated particulars for a goods vehicle and "goods vehicle test" means an examination under any such regulations for the purpose of ascertaining whether any prescribed construction and use requirements are complied with in the case of a goods vehicle.

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(3) Any person aggrieved by a determination made on an examination under the regulations by the person in charge of the examination may appeal to an area mechanical engineer appointed by the Minister to act for the traffic area in which the original examination was made, and on the appeal the area mechanical engineer shall cause the vehicle to be re-examined and make such determination in the matter as he thinks fit.

(4) A person aggrieved by the determination of an area mechanical engineer under the last foregoing subsection may appeal to the Minister and on the appeal the Minister shall cause the vehicle to be re-examined by an officer appointed by him for the purpose and shall make such determination on the basis of the re-examination as he thinks fit.

(5) Regulations under this section may make the like provision in relation to a determination on an appeal under subsection (3) or (4) of this section as they make in relation to a determination on an examination under the regulations.

(6) Without prejudice to the generality of subsection (1) of this section, regulations under this section may—

(*a*) require or authorise goods vehicles to which the regulations apply to be submitted for examination under the regulations and, in particular—

(i) require any such vehicle to be submitted for a goods vehicle test at periodical intervals; and

(ii) require or authorise any such vehicle to be submitted for re-examination on the making of any prescribed alteration to it or its equipment and, for the purpose of determining whether any such re-examination is necessary, require any such alteration to be notified to the Minister;

(*b*) authorise any examination under the regulations to be carried out by or under the direction of a goods vehicle examiner;

(*c*) prescribe the conditions subject to which vehicles will be accepted for such examination and, without prejudice to the foregoing—

(i) authorise any person by whom an examination of the vehicle under the regulations or subsections (3) and (4) of this section is carried out to drive the vehicle, whether on a road or elsewhere; and

(ii) require that a driver of a vehicle examined thereunder is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination

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and drives the vehicle when directed to do so, and operates the controls in accordance with any directions given to him, by that person;

(*d*) require the plating certificate for any vehicle to which the regulations apply to specify any alteration to the vehicle or its equipment which is required by the regulations to be notified to the Minister;

(*e*) authorise the amendment of a plating certificate or the issue of a different plating certificate on the re-examination of any vehicle;

(*f*) provide for the period of validity of goods vehicle test certificates;

(*g*) specify the manner in which, and the time before or within which, applications may be made for the examination of vehicles under the regulations or appeals may be brought under subsection (3) or (4) of this section, and the information to be supplied and documents to be produced on any such application, examination or appeal;

(*h*) make provision as to the fees to be paid on any such application or appeal and as to the repayment of the whole or part of any fee paid on such an appeal where it appears to the Minister that there were substantial grounds for contesting the whole or part of the determination appealed from;

(*i*) make provision as to the form of, and particulars to be contained in, plating certificates and goods vehicle test certificates and notifications of the refusal of the latter certificates;

(*j*) provide for the issue of replacements for plates marked with plated particulars, plating certificates and goods vehicle test certificates which have been lost or defaced and for the payment of a fee for their issue;

(*k*) exempt prescribed classes of vehicles from all or any of the provisions of the regulations either generally or in prescribed circumstances;

(*l*) make different provision for different cases.

(7) Without prejudice to any regulations made by virtue of subsection (6)(*c*) of this section, the Minister may give directions with respect to the manner in which examinations under regulations under this section or under subsection (3) or (4) of this section are to be carried out.

(8) Any person who contravenes a requirement of regulations under this section imposed by virtue of subsection (6)(*c*)(ii) thereof, being a contravention which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding £50.

(9) Section 65 of the principal Act (vehicle tests) shall not apply to goods vehicles which are required by regulations under this section to be submitted for a goods vehicle test. PART II

Approval of new types of goods vehicles

Approval of design, construction, etc., of goods vehicles.

10.—(1) Without prejudice to section 64 of the principal Act, the Minister may by regulations prescribe requirements (hereinafter referred to as " type approval requirements ") with respect to the design, construction, equipment and marking of goods vehicles of any class, being requirements which are applicable before, whether or not they are applicable after, vehicles of that class are used on a road.

(2) Regulations under this section may provide for the determination, according to criteria or by methods prescribed by or determined under the regulations, of weights of any description which in the opinion of the Minister should not be exceeded in the case of goods vehicles of any class.

(3) In this Act—

(*a*) references to design weights shall be construed as references to weights determined by virtue of the last foregoing subsection; and

(*b*) " the relevant aspects of design, construction, equipment and marking ", in relation to any vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements or which were used as criteria in determining design weights for that vehicle.

(4) Where the Minister is satisfied on application made to him by the manufacturer of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle—

(*a*) that the vehicle complies with the relevant type approval requirements; and

(*b*) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted;

he may approve that vehicle as a type vehicle and, if so, shall issue a certificate (hereafter in this Act referred to as a " type approval certificate ") stating that the vehicle complies with the relevant type approval requirements and specifying the permitted variations from the type vehicle and the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.

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In the following provisions of this section and in the next following section " conform " means conform in all respects or with any permitted variation.

(5) A manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each goods vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (hereafter in this Act referred to as a " manufacturer's certificate ") stating that it does so conform and specifying the design weights for the vehicle, and shall in such cases as may be prescribed specify in the certificate one or more of the plated weights for the vehicle.

(6) Where a manufacturer issues a manufacturer's certificate for a vehicle, the Minister shall, on an application made by any person containing such information as he may require with respect to the proposed circumstances of operation of the vehicle and on production of that certificate, specify in the certificate any plated weights for the vehicle not so specified by the manufacturer.

(7) Where a manufacturer issues a manufacturer's certificate for a vehicle then—

(*a*) if he is required by subsection (5) of this section to specify any plated weights for the vehicle in the certificate, he shall mark those weights on the vehicle by means of a plate fixed to it;

(*b*) in any other case the Minister shall on an application for the purpose secure that those weights are so marked.

(8) Where the Minister is satisfied, on application made to him by any person in respect of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle, that the vehicle complies with the relevant type approval requirements and the Minister has sufficient information to enable the plated weights to be ascertained for the vehicle he may issue a certificate (hereafter in this Act referred to as a " Minister's approval certificate ") stating that the vehicle complies with those requirements and specifying its design weights and plated weights and, where he issues such a certificate, shall secure that the plated weights are marked on the vehicle by means of a plate fixed to it.

(9) Subject to the provisions of the next following subsection, a type approval certificate may be issued for a type vehicle where the Minister is satisfied that one or more, but not all, of the

relevant type approval requirements are complied with in the case of that vehicle, and— PART II

(*a*) a further type approval certificate may be issued by virtue of this subsection on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references in this section and the next following section to a manufacturer shall be construed accordingly;

(*b*) any manufacturer's certificate issued in consequence of any type approval certificate issued by virtue of this subsection shall relate only to the requirement or requirements to which that type approval certificate relates;

(*c*) where a manufacturer's certificate issued in respect of a vehicle relates to one or more, but not all, of the relevant type approval requirements, the Minister may issue in respect of that vehicle a Minister's approval certificate relating to one or more of the other relevant type approval requirements.

(10) The first type approval certificate issued for a type vehicle by virtue of the last foregoing subsection shall specify the design weights for conforming vehicles, and accordingly—

(*a*) so much of subsections (4), (5), (6) and (7) of this section as requires the Minister or a manufacturer to specify in any certificate under this section the design weights or plated weights for a vehicle or as requires the Minister or a manufacturer to mark or secure the marking of the plated weights on a vehicle shall not apply to a subsequent type approval certificate issued by virtue of the last foregoing subsection or to the manufacturer's certificates issued in consequence of such a type approval certificate;

(*b*) so much of subsection (8) of this section as requires the Minister to specify in any certificate issued by him the design weights and plated weights for a vehicle or to secure that the plated weights are marked on a vehicle shall not apply to a Minister's approval certificate issued by virtue of the last foregoing subsection.

(11) Where a Minister's approval certificate is given as respects an imported goods vehicle and the Minister is satisfied on the application of the importer of the vehicle and after the consideration of such evidence as he thinks necessary that any other goods vehicle imported by the importer conforms with the first mentioned vehicle as respects the relevant aspects of design, construction, equipment and marking, the Minister may issue a Minister's approval certificate in respect of that other vehicle without examining it and, where he issues such a certificate,

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shall specify the plated weights which are to be marked on the other vehicle.

(12) The last foregoing subsection shall apply in relation to goods vehicles brought into Great Britain from Northern Ireland as it applies in relation to imported goods vehicles, and references in that subsection to the importer shall be construed accordingly.

(13) Where the Minister determines on an application under this section not to issue a type approval certificate or a Minister's approval certificate in respect of a goods vehicle, he shall give to the applicant a written notification of the determination, stating the grounds on which it is based.

Supplemental provisions as to type approval and other certificates.

11.—(1) A type approval certificate may be issued subject to conditions with respect to—

(*a*) the inspection by officers of the Minister of vehicles purporting to conform with the type vehicle in the relevant aspects of design, construction, equipment and marking and of parts of such vehicles and their equipment, and the entry of premises where they are manufactured, and

(*b*) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such vehicles and the type vehicle which might affect the type approval requirements or the criteria for determining the design weights of those vehicles.

(2) The Minister may by regulations require that prescribed alterations in any of the relevant aspects of design, construction, equipment or marking or any such aspect which affects the plated weight made to any vehicle for which a manufacturer's certificate or a Minister's approval certificate is issued shall, subject to any exemption granted under the next following subsection, be notified to the Minister.

(3) The Minister may by notice in writing given to the manufacturer of goods vehicles or to the owner of a vehicle for which a Minister's approval certificate is issued—

(*a*) direct that any specified alteration in any of the said aspects to a vehicle to which the direction relates shall be notified to the Minister;

(*b*) exempt a vehicle to which the notice relates from all or any of the requirements of regulations under the last foregoing subsection, subject to compliance with any conditions specified in the notice.

(4) Without prejudice to the provisions of section 13 of this Act, the Minister may by regulations require that a manufacturer's certificate or Minister's approval certificate issued for any vehicle shall specify the regulations if any applicable to the vehicle under subsection (2) of this section at the time of the issue of the certificate, any additional alteration to that vehicle required by any direction under the last foregoing subsection to be notified to the Minister and any exemption applicable to that vehicle under that subsection.

(5) A manufacturer's certificate or Minister's approval certificate specifying any plated weights shall be treated for the purposes of the provisions of this Act and any regulations thereunder relating to plating certificates (except section 9(3) of this Act) as a plating certificate.

(6) If it appears to the Minister that there has been a breach of a condition subject to which a type approval certificate has been granted or if he ceases to be satisfied as to any other matter relevant to a type approval certificate, he may cancel or suspend the certificate, but the cancellation or suspension shall not affect the validity of any manufacturer's certificate previously issued in consequence of the type approval certificate.

(7) Where the Minister cancels or suspends a certificate in pursuance of this section, he shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension.

Appeals.

12.—(1) A person aggrieved by a determination made on behalf of the Minister with respect to a type approval certificate, a manufacturer's certificate or a Minister's approval certificate under the two last foregoing sections, including any determination with respect to design weights or plated weights, may within the prescribed time and in the prescribed manner appeal to the Minister, and on the appeal the Minister—

(*a*) shall have the like powers and duties as he has on an original application for a type approval or a Minister's approval certificate or in respect of the plated weights to be included in a manufacturer's certificate;

(*b*) may hold an inquiry in connection therewith; and

(*c*) may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.

(2) Section 249 of the principal Act (general provisions as to inquiries under that Act) shall apply to an inquiry held by the Minister under this section as it applies to inquiries held by him under that Act.

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Supplementary provisions.

13.—(1) The Minister may make regulations for the purposes of the three last foregoing sections and, without prejudice to the generality of the foregoing, any such regulations—

(*a*) may provide for the examination of any vehicle in respect of which a manufacturer's certificate or a Minister's approval certificate is in force in the event of an alteration being made to the vehicle which is notifiable by virtue of section 11(2) or (3) of this Act and, in particular, may empower a goods vehicle examiner to require the vehicle to be examined at a testing station provided under this Part of this Act;

(*b*) may authorise the suspension or amendment of a manufacturer's certificate or a Minister's approval certificate on an examination of any vehicle in pursuance of regulations made by virtue of the foregoing paragraph;

(*c*) shall give a right of appeal to any person aggrieved by a determination on any such examination and for that purpose may apply section 9(3) and (4) of this Act;

(*d*) may contain the like provisions with respect to any such examination and any appeal brought by virtue of the last foregoing paragraph as may be contained in regulations made by virtue of paragraphs (*b*), (*c*), (*g*) and (*h*) of section 9(6) of this Act in relation to the examinations and appeals there mentioned;

(*e*) may provide for charging a fee on the making of an application for a type approval certificate or Minister's approval certificate;

(*f*) may make provision as to the form of, and particulars to be contained in, manufacturers' certificates, and provide for the supply by the Minister of forms for such certificates;

(*g*) may provide for the issue of replacements for plates fixed to vehicles under section 10 of this Act, manufacturers' certificates and Minister's approval certificates which have been lost or defaced and provide for the payment of a fee for their issue;

(*h*) may require persons empowered by section 10 of this Act to issue manufacturers' certificates to keep records of manufacturers' certificates issued by them and of the vehicles in respect of which such certificates are issued and may authorise the inspection of such records by such persons and in such circumstances as may be prescribed;

(*i*) may make different provision for different cases.

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(2) Without prejudice to any regulations made by virtue of section 9(6)(*c*) of this Act, as applied by this section, the Minister may give directions with respect to the manner in which examinations to which such regulations apply are to be carried out.

(3) Where an agreement entered into between Her Majesty's Government and the Government of a country outside Great Britain provides for the recognition in Great Britain of arrangements under the law of that country with respect to the approval of the design, construction, equipment or marking of goods vehicles of any description manufactured in that country, the Minister may make regulations—

(*a*) applying, with such adaptations and modifications as he thinks fit, all or any of the provisions of the three last foregoing sections and of regulations under subsection (1) of this section, so far as relating to type approval certificates and manufacturers' certificates, to goods vehicles of that description manufactured in that country;

(*b*) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Act prescribed by the regulations as a type approval certificate or as a manufacturer's certificate;

(*c*) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any such certificate in the event of the agreement ceasing to be in force or being modified.

(4) Where regulations under subsection (1) of this section impose the like requirement as may be imposed by regulations made by virtue of section 9(6)(*c*)(ii) of this Act, section 9(8) of this Act shall apply in relation to a contravention of that requirement as it applies in relation to a contravention of a requirement imposed by virtue of the said subsection (6)(*c*)(ii).

(5) In the three last foregoing sections and this section "goods vehicle" includes a vehicle which is a chassis for, or will otherwise form part of, a vehicle which when completed will be a goods vehicle.

Obligation to have relevant certificates

Use of goods vehicles without the relevant certificates.

14.—(1) If any person at any time on or after the relevant date uses on a road, or causes or permits to be so used, a goods vehicle of a class required by regulations under section 9 of this Act to have been submitted for examination for plating and at that time there is no plating certificate in force for the vehicle, he shall be guilty of an offence.

In this subsection "relevant date", in relation to any goods vehicle, means the date by which it is so required to be submitted for examination for plating.

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(2) If any person at any time on or after the relevant date uses on a road, or causes or permits to be so used, a goods vehicle of a class required by regulations under section 9 of this Act to have been submitted for a goods vehicle test and at that time there is no goods vehicle test certificate in force for the vehicle, he shall be guilty of an offence.

In this subsection "the relevant date", in relation to any goods vehicle, means the date by which it is so required to be submitted for its first goods vehicle test.

(3) If any person at any time on or after the day appointed by regulations made by the Minister in relation to goods vehicles of a prescribed class, being vehicles to which type approval requirements prescribed by those regulations apply, uses on a road, or causes or permits to be so used, a goods vehicle of that class and it does not appear from one or more certificates then in force under section 10 of this Act that the vehicle complies with those requirements, he shall be guilty of an offence.

(4) Different days may be appointed under the last foregoing subsection in relation to different classes of vehicles.

(5) If a plating certificate has been issued for a goods vehicle to which subsection (1) or (3) of this section applies, but does not specify a maximum laden weight for the vehicle together with any trailer which may be drawn by it, any person who on or after the relevant date within the meaning of the said subsection (1) or, as the case may be, the day appointed under the said subsection (3) uses the vehicle on a road for drawing a trailer, or causes or permits it to be so used, shall be guilty of an offence.

(6) Any person who uses on a road, or causes or permits to be so used, a goods vehicle when an alteration has been made to the vehicle or its equipment which is required by regulations under section 9 or regulations or directions under section 11 to be, but has not been, notified to the Minister shall be guilty of an offence.

(7) In any proceedings for an offence under the last foregoing subsection, it shall be a defence to prove—

(*a*) if the proceedings relate to an alteration required to be so notified by regulations under section 9 of this Act, that the alteration was not specified in the relevant plating certificate in accordance with regulations under that section;

(*b*) if the proceedings relate to an alteration required to be so notified by regulations or directions under section 11 of this Act, that the regulations were not, or, as the case may be, the alteration was not, specified in the

CORRECTION

Page 835, line 41 (Subsection 11 of section 14)

For "(3)"

Read "(2)"

relevant manufacturer's certificate or Minister's approval certificate in accordance with regulations under section 11(4) of this Act. PART II

(8) The Minister may by regulations—

(*a*) exempt from all or any of the foregoing provisions of this section the use of goods vehicles for such purposes or in such an area as may be prescribed; and

(*b*) exempt any class of goods vehicles from the provisions of subsection (5) of this section.

(9) The Minister may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act 1962 for any motor vehicle, being a goods vehicle to which subsection (2) or (3) of this section applies, the licence shall not be granted unless— 1962 c. 13.

(*a*) on any application, after the relevant date within the meaning of the said subsection (2), for a licence for a vehicle to which that subsection applies, there is produced evidence that an effective goods vehicle test certificate is in force for the vehicle;

(*b*) on the first application, after the day appointed by regulations made by virtue of the said subsection (3), for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under section 10 of this Act from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations;

or unless the prescribed declaration is made that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose or in an area prescribed under the last foregoing subsection.

In paragraph (*a*) of this subsection "effective goods vehicle test certificate" means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force.

(10) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50.

(11) Section 66 of the principal Act (obligatory test certificates) shall not apply to any goods vehicle to which subsection (3) of this section applies.

Sale, etc., of goods vehicles without a manufacturer's or Minister's approval certificate.

15.—(1) If any person at any time on or after the day appointed by regulations under subsection (3) of the last foregoing section sells, supplies or offers to sell or supply a goods vehicle of a class to which those regulations apply and it does

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not appear from one or more certificates in force at that time under section 10 of this Act that the vehicle complies with all the relevant type approval requirements prescribed by those regulations, he shall be liable on summary conviction to a fine not exceeding £100.

(2) A person shall not be convicted of an offence under this section in respect of the sale, supply or offer of a vehicle if he proves—

(*a*) that it was sold, supplied or offered, as the case may be, for export from Great Britain;

(*b*) that he had reasonable cause to believe that it would not be used on a road in Great Britain or would not be so used until it had been certified as aforesaid; or

(*c*) that he had reasonable cause to believe that it would only be used for purposes or in an area prescribed by the Minister under section 14(8) of this Act.

(3) Nothing in subsection (1) of this section shall affect the validity of a contract or any rights arising under or in relation to a contract.

Defective goods vehicles

Power to prohibit the driving of unfit goods vehicles.

16.—(1) If on any inspection of a goods vehicle under section 183 of the principal Act (inspection for securing proper maintenance) or on an examination of such a vehicle under regulations under section 9 or 13 of this Act it appears to a goods vehicle examiner that the vehicle, owing to any defects therein, 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 an examiner prohibits the driving of a vehicle under subsection (1) of this section, he shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection, specifying the defects which occasioned the prohibition, 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 stating whether the prohibition is to come into force immediately or at the end of a specified period.

(3) A prohibition under subsection (1) of this section with respect to any vehicle shall, subject to any exemption granted under subsection (5) of this section, come into force as soon as notice thereof has been given under the last foregoing subsection, if in the opinion of the examiner the defects in the vehicle are such that driving it, or driving it for any purpose specified in the notice, will create an immediate risk to public safety, and the prohibition shall thereafter continue in force until it is removed under section 185 of the principal Act (removal of prohibitions when vehicles are fit for service).

(4) In any other case a prohibition under subsection (1) of this section shall, unless previously removed as aforesaid and subject to any exemption under the next following subsection, come into force at such time not later than ten days from the date of the inspection as seems appropriate to the examiner having regard to all the circumstances, and shall thereafter continue in force until it is so removed.

(5) Where a notice has been given under subsection (2) of this section any examiner 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.

(6) Where any such notice has been given an examiner 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 in force.

(7) Where a goods vehicle has been weighed in pursuance of a requirement imposed under section 224 of the principal Act (weighing of goods vehicles) and it appears to a goods vehicle examiner, to a person authorised with the consent of the Minister to act for the purposes of this subsection by a highway authority other than the Minister or the Secretary of State or to a police constable authorised to act for those purposes by or on behalf of a chief officer of police—

(*a*) that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded; and

(*b*) that as a result there would be an immediate risk to public safety if it were used on a road,

the person to whom it so appears may, whether or not a notice is given under subsection (2) of this section, give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road until that weight is reduced to that limit.

(8) On giving a notice under subsection (2) or (7) of this section to a person in charge of a vehicle, the person giving the notice shall as soon as practicable take steps to bring the contents of the notice to the attention—

(*a*) of the owner of the vehicle if he was not in charge of it at the time when the notice was given; and

(*b*) in the case of an authorised vehicle within the meaning of Part IV of the principal Act, of the licensing authority by whom the carrier's licence (within the meaning of the said Part IV) was granted for the vehicle.

(9) A person who drives a goods vehicle on a road, or causes or permits a goods vehicle to be so driven, in contravention of a

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prohibition under this section, shall be liable on summary conviction to a fine not exceeding £50.

(10) The Minister may by regulations exempt from the last foregoing subsection the use of goods vehicles for such purposes as may be prescribed.

(11) A goods vehicle examiner shall, in exercising his functions under this section, act under the general directions of the Minister and, without prejudice to the foregoing, shall, in exercising his functions under subsection (5) of this section, act in accordance with any directions given by the Minister with respect to the exercise of those functions in any particular case.

Miscellaneous amendments relating to the fitness of goods vehicles.

17.—(1) A goods vehicle examiner or a police constable in uniform may at any time require any person in charge of a stationary goods vehicle on a road to proceed with the vehicle for the purpose of having it inspected under section 183 of the principal Act to any place where an inspection can be suitably carried out (not being more than one mile from the place where the requirement is made); and if a person in charge of a goods vehicle refuses or neglects to comply with any such requirement, he shall be liable on summary conviction to a fine not exceeding £50.

(2) The last foregoing section shall be in lieu of section 184 of the principal Act (which makes provision corresponding thereto), and—

(*a*) a prohibition under the said section 184 in force immediately before the day appointed for the coming into operation of the last foregoing section shall continue to have effect as if it had come into force under subsection (3) of the last foregoing section; and

(*b*) a prohibition which has been imposed under the said section 184, but has not come into force before that day, shall, unless previously withdrawn or removed, come into force on the expiration of the period specified in the notice and have effect as if it had come into force under subsection (4) of the last foregoing section.

Operators' inspections

Operators' duty to inspect, and keep records of inspections of, goods vehicles.

18.—(1) The Minister may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—

(*a*) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the construction and use requirements with respect to any

prescribed matters, being requirements applicable to the vehicle, are complied with;

(*b*) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection;

and providing for the preservation of such records for a prescribed period not exceeding fifteen months and their custody and production during that period.

(2) Regulations under this section may—

(*a*) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed;

(*b*) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed;

(*c*) make different provision for different cases.

(3) Any person who contravenes any provision of regulations under this section shall be liable on summary conviction to a fine not exceeding £50.

(4) The principal Act shall have effect as if any reference to a conviction mentioned in Schedule 14 thereto (convictions which are a ground for objecting to the grant of certain carriers' licences or for the revocation, suspension or curtailment of carriers' licences) included a reference to a conviction of an offence under this section.

(5) In this section "the operator", in relation to a goods vehicle, means the person to whom it belongs or the hirer thereof under a hire-purchase agreement, except where he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person and in the said excepted case means a person of a class prescribed by regulations under this section in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

(6) In any proceedings for a contravention of construction and use requirements or of regulations under this section, any record purporting to be made and authenticated in accordance with regulations under this section shall be evidence (and in Scotland sufficient evidence) of the matters stated in the record and of its due authentication.

Heavy goods vehicle drivers' licences

Licensing of drivers of heavy goods vehicles.

19.—(1) For section 192(1) of the principal Act (requirement for drivers of heavy goods vehicles to hold a licence under Part V of that Act) there shall be substituted the following subsection:—

"(1) On and after the appointed day a person shall not drive a heavy goods vehicle of any class on a road unless

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he is licensed under this Part of this Act to drive a heavy goods vehicle of that class, and a person shall not employ another person to drive a heavy goods vehicle of any class on a road unless that other person is so licensed to drive a heavy goods vehicle of that class ".

(2) Subject to the transitional provisions contained in Schedule 15 to the principal Act, the licensing authority shall not grant a full licence to drive a heavy goods vehicle of any class unless he is satisfied that the applicant for the licence—

(*a*) has at some time during the period of ten years ending on the date of the coming into force of the licence passed the prescribed test of competence to drive vehicles of that class ; or

(*b*) has within that period held a full licence authorising the driving of vehicles of that class.

(3) Where in pursuance of section 193(4) of the principal Act (suspension or revocation of licences under Part V of that Act) the licensing authority revokes such a licence, the authority may—

(*a*) order the holder to be disqualified indefinitely or for such period as the authority thinks fit for holding or obtaining a licence under the said Part V ; or

(*b*) if the licence is a full licence and it appears to the authority that, owing to the conduct or physical disability of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under the said Part V until he passes the prescribed test of competence to drive heavy goods vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he has, since the date of the order, passed such a test.

(4) Where the holder of a licence under the said Part V is disqualified under paragraph (*a*) of the last foregoing subsection, the licensing authority for the traffic area where he resides may, in such circumstances as may be prescribed, remove the disqualification, but so long as the disqualification continues in force a licence under the said Part V shall not be granted to him and any such licence obtained by him shall be of no effect.

(5) Where the holder of a full licence is disqualified under subsection (3)(*b*) of this section a licensing authority shall not thereafter grant him a full licence to drive a heavy goods vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.

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(6) If the Minister certifies that satisfactory provision is made by the law of Northern Ireland for the issue of licences specifically to drive heavy goods vehicles, it shall be lawful for the holder of such a licence (hereafter in this Part of this Act referred to as a Northern Ireland licence) to drive, and be employed in driving, on a road in Great Britain heavy goods vehicles of any class which he is authorised by that licence to drive, notwithstanding that he is not the holder of a licence under Part V of the principal Act.

(7) While a certificate is in force under the last foregoing subsection, the licensing authority may, notwithstanding anything in subsection (2) of this section, grant a full licence to drive a heavy goods vehicle of any class to an applicant resident in Great Britain if he is satisfied that the applicant has, within the period of ten years ending on the date of the coming into force of the licence, held a Northern Ireland licence to drive any heavy goods vehicle of that class corresponding to a full licence and not being a licence granted under an enactment of the Parliament of Northern Ireland in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom.

(8) A licensing authority prescribed by regulations under the next following section may exercise as respects Great Britain the like power of suspending or revoking any Northern Ireland licence and of making an order under subsection (3) of this section as is conferred in relation to a licence under Part V of the principal Act by section 193(4) of that Act and the said subsection (3) on the licensing authority for the traffic area in which the last-named licence was granted, and the provisions of the said section 193(4) (except the provision relating to the duration of licences) and of the said subsection (3) shall have effect accordingly.

(9) A holder of a Northern Ireland licence who feels aggrieved by the suspension or revocation of the licence or the ordering of disqualification by virtue of the last foregoing subsection shall have the like right to require the reconsideration of the matter and the like right of appeal as are conferred by section 195 of the principal Act, except that the matter shall be reconsidered by the prescribed licensing authority, and—

(*a*) an appeal brought by virtue of this subsection shall, if the appellant is not resident in Great Britain, lie to a magistrates' court or sheriff prescribed by regulations under the next following section; and

(*b*) the provisions of subsection (2) of the said section 195 shall have effect accordingly.

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(10) At any time when no certificate is in force under subsection (6) of this section a person resident in Northern Ireland who is temporarily in Great Britain and holds a driving licence issued in Northern Ireland under Part II of the Road Traffic Act (Northern Ireland) 1955 to drive heavy goods vehicles of any description may during a period of twelve months from the date of his last entry into Great Britain drive, and be employed in driving, on a road in Great Britain a heavy goods vehicle of that description brought temporarily into Great Britain notwithstanding that he is not the holder of a licence under Part V of the principal Act.

1955 c. 27 (N.I.).

Supplemental provisions.

20.—(1) The Minister may make regulations for the purpose of carrying the provisions of Part V of the principal Act and the last foregoing section into effect and, without prejudice to the generality of the foregoing, may—

(*a*) make provision with respect to tests of competence to drive heavy goods vehicles and, in particular, the nature of such tests, the qualifications, selection, appointment and removal of the persons by whom they may be conducted, and evidence of the results of the tests;

(*b*) require applicants for such tests or for licences under the said Part V (whether full or provisional) to have such qualifications, experience and knowledge (including, in the case of applicants for licences, qualifications with respect to health and driving conduct) as may be prescribed;

(*c*) require a person submitting himself for a test to produce for the purposes of the test a vehicle of the class in respect of which he is to be tested, loaded or unloaded according as may be prescribed, and, in the case of a loaded vehicle, impose requirements about its loading;

(*d*) restrict the issue of provisional licences under the said Part V, in the case of prescribed classes of applicants or in prescribed circumstances, to such classes of vehicle as may be prescribed;

(*e*) provide that a full licence to drive a heavy goods vehicle of a particular class shall also be treated for the purposes of the said Part V as a provisional licence to drive heavy goods vehicles of another prescribed class;

(*f*) make provision for preventing a person holding more than one licence and for facilitating the identification of licence holders;

(*g*) make provision with respect to applications for and the issue of licences under the said Part V;

(*h*) make provision with respect to the custody and production of any licence under the said Part V or any Northern Ireland licence or any licence under Part II of the Road Traffic Act (Northern Ireland) 1955 to drive heavy goods vehicles of any description, and require the return to a prescribed licensing authority of any such licence which has expired or been suspended or revoked; 1955 c. 27 (N.I.).

(*i*) require the payment of a fee of a prescribed amount by a person who applies for a test and provide for the repayment of any such fee in the prescribed circumstances;

(*j*) provide that a person submitting himself for, but failing to pass, a test shall not be eligible to submit himself for another test before the expiration of a prescribed period, except under an order made by a court or sheriff under subsection (3) of this section;

(*k*) provide for the issue of a new licence in place of a licence lost or defaced on payment of the prescribed fee;

and different provision may be made by the regulations for different cases.

(2) Any person who contravenes a provision of regulations under this section, a contravention of which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding £20.

(3) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland the sheriff within whose jurisdiction he resides, may on the application of that person determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period prescribed for the purposes of subsection (1)(*j*) of this section, and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

(4) No appeal shall lie under section 195 of the principal Act (right of appeal against refusal, suspension or revocation of a licence under Part V of that Act) in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under the last foregoing subsection.

(5) In section 194(3) of the principal Act (duration of provisional licences) for the reference to three months there shall

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be substituted a reference to six months; but that subsection shall not apply to a licence treated as a provisional licence by virtue of subsection (1)(*e*) of this section.

(6) The Minister may by regulations provide that Part V of the principal Act shall not apply to heavy goods vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

Common tests of competence to drive for the purposes of Parts II and V of the principal Act.

21. The Minister may by regulations provide that a person who passes a test of competence to drive heavy goods vehicles of any prescribed class for the purpose of obtaining a full licence shall, in such circumstances as may be prescribed, be treated as having passed a test of competence to drive prescribed under section 99(2) of the principal Act for any prescribed class or description of motor vehicle.

Interpretation of three last foregoing sections.

22. In the three last foregoing sections 'full licence' means a licence under Part V of the principal Act other than a provisional licence, and other expressions used in those sections and in the said Part V shall have the same meanings in those sections as they have in the said Part V.

Miscellaneous and general

Weighing of goods vehicles.

23.—(1) The Minister may exercise the powers conferred by section 261(1) of the principal Act (power of highway authority to provide, erect, maintain and operate weighbridges and other machines for weighing vehicles and to join in, or contribute to the cost of, doing so) whether or not in his capacity as highway authority, but may provide, erect, maintain and operate any such machine on a road for which he is not the highway authority only with the consent of the highway authority, and accordingly the presence of any such machine on a road in consequence of the exercise of those powers by virtue of this section (as in any other case) shall not be taken to be an obstruction of the road.

(2) In section 224(4) of the principal Act (power of examiners and certifying officers to require goods vehicles to be weighed) after the words "Part IV thereof" there shall be inserted the words "or any of the Minister's officers authorised by him in that behalf".

Power to provide testing stations.

24. The Minister may provide and maintain stations where examinations of goods vehicles under this Part of this Act or regulations thereunder, or inspections of goods vehicles for the purposes of section 185 of the principal Act (removal of prohibition of use of goods vehicles when fit for service again), may be carried out and may provide and maintain the apparatus for carrying out such examinations.

PART II
Miscellaneous offences.

25.—(1) The maximum fine which may be imposed on summary conviction under section 64(2) of the principal Act for using, or causing or permitting the use of, a goods vehicle—

(*a*) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load; or

(*b*) in breach of a construction and use requirement as to brakes, steering gear, tyres or any description of weight;

shall, in the case of an offence committed after the passing of this Act, be £200 instead of £50.

(2) Any person who—

(*a*) in supplying information or producing documents for the purposes either of section 10, 11, 12 or 14 of this Act or of regulations made under section 9 or 13 thereof makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular; or

(*b*) wilfully makes a false entry in any record required to be made or kept by regulations under section 18 of this Act or, with intent to deceive, makes use of any such entry which he knows to be false;

shall be liable on summary conviction to a fine not exceeding £100 or imprisonment for a term not exceeding four months or both.

(3) If there is fixed to a goods vehicle a plate containing plated weights of any description determined for that vehicle by virtue of section 9 of this Act or specified in a certificate therefor under section 10(5), (6), (8) or (11) of this Act, the vehicle shall not, while it is used on a road, be marked with any other weights, except other plated weights, other weights required or authorised to be marked on the vehicle by regulations under section 64 of the principal Act or weights so authorised for the purposes of this section by regulations made by the Minister and marked in the prescribed manner; and in the event of a contravention of the foregoing provision the owner of the vehicle shall be liable on summary conviction to a fine not exceeding £50.

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Provisions as to proceedings for certain offences in connection with goods vehicles

26.—(1) If in any proceedings for an offence under section 64(2) of the principal Act (use of vehicles in contravention of construction and use regulations) any question arises as to a weight of any description specified in the plating certificate for a goods vehicle, and a weight of that description is marked on the vehicle, it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.

(2) If in any proceedings for an offence under this Part of this Act or for a contravention of construction and use requirements any question arises as to the date of manufacture of a goods vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under this Part of this Act or of construction and use requirements shall be evidence, and in Scotland sufficient evidence, that the vehicle was manufactured on the date so marked.

(3) If in any proceedings for the offence of driving a goods vehicle on a road, or causing or permitting a goods vehicle to be so driven, in contravention of a prohibition under section 16(7) of this Act any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements, the burden of proof shall lie on the accused.

(4) In any proceedings for an offence under section 64(2) of the principal Act in which a contravention is alleged of a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—

(*a*) that at the time when the vehicle was being used on the road it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road; or

(*b*) in a case where the limit of that weight was not exceeded by more than five per cent, that that limit was not exceeded at the time the loading of the vehicle was originally completed and that since that time no person has made any addition to the load.

(5) If in any proceedings in Scotland for an offence under the Road Traffic Acts 1960 to 1967 any question arises as to a weight of any description in relation to a goods vehicle, a certificate purporting to be signed by an inspector of weights and measures and certifying the accuracy of a weighbridge or other machine for weighing vehicles shall be sufficient evidence

of the facts stated therein, and where the inspector is called as a witness his evidence shall be sufficient evidence of the aforesaid facts. PART II

In this subsection "inspector of weights and measures" has the same meaning as in the Weights and Measures Act 1963, except that it includes a chief inspector within the meaning of that Act. 1963 c. 31.

27. A motor vehicle for which, by virtue of section 14(9) of this Act, an excise licence may not be granted for the time being shall not be chargeable with duty under the Vehicles (Excise) Act 1962 by reason of its use on a public road within the meaning of that Act— Exemption from vehicles excise duty on goods vehicles undergoing tests. 1962 c. 13.

(*a*) for the purpose of submitting it by previous arrangement for, or bringing it away from, an examination under regulations under section 9 or 13(1)(*a*) of this Act or an examination for the purposes of section 10 or 12 thereof; or

(*b*) in the course of any such examination for the purpose of taking it to, or bringing it away from, any place where a part of the examination is to be or, as the case may be, has been carried out, or of carrying out any part of the examination, the person so using it being a goods vehicle examiner or a person carrying out the examination under his direction or a person driving the vehicle in pursuance of a requirement to do so under the regulations; or

(*c*) where a goods vehicle test certificate, type approval certificate or Minister's approval certificate is refused on such an examination, for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy the defects on the ground of which the certificate was refused or to alter the vehicle in some aspect of design, construction, equipment or marking on account of which the certificate was refused.

28.—(1) Any expenses incurred by the Minister under this Part of this Act shall be defrayed out of moneys provided by Parliament. Expenses.

(2) Any fees received by the Minister in pursuance of regulations under this Part of this Act shall be paid into the Exchequer.

29.—(1) In this Part of this Act, except so far as the context otherwise requires— Supplemental.

"construction and use requirements" means requirements, whether applicable generally or at specified times or

PART II

in specified circumstances, imposed under section 64 of the principal Act or imposed by or under the Road Transport Lighting Act 1957 or section 15 of the 1962 Act;

1957 c. 51.

"contravention", in relation to any requirement, prohibition or provision, includes a failure to comply with the requirement, prohibition or provision, and "contravenes" shall be construed accordingly;

"drive" has the same meaning as in Part IV of the principal Act;

"goods vehicle" has the same meaning as in Part IV of the principal Act;

"goods vehicle examiner" means an examiner appointed under section 183 of the principal Act or a certifying officer appointed under Part III of that Act;

"prescribed" means prescribed by regulations made by the Minister;

"traffic area" has the same meaning as in Part III of the principal Act.

(2) Any definition or description of a class of goods vehicles or heavy goods vehicles (within the meaning of Part V of the principal Act) for the purposes of any regulations under this Part of this Act or any enactment thereby amended may be framed by reference to any characteristics of such vehicles or to any other circumstances whatsoever, and any reference to such a class in this Part of this Act or any enactment thereby amended shall be construed accordingly.

(3) This Part of this Act, except sections 16 to 22, shall apply to persons in the public service of the Crown, to goods vehicles in the public service of the Crown which are registered or liable to be registered under the Vehicles (Excise) Act 1962, and to trailers in the public service of the Crown while drawn by goods vehicles (whether or not in the public service of the Crown) which are required to be so registered, but shall so apply subject to the following modifications:—

1962 c. 13.

(*a*) examinations of such vehicles in pursuance of regulations under section 9 or 13(1)(*a*) of this Act may be made by or under the direction of examiners authorised by the Minister for the purpose instead of by or under the directions of goods vehicle examiners;

(*b*) section 9(3) of this Act shall not apply to the determination of an examiner so authorised on any such examination, but any person aggrieved by such a determination may appeal to the Minister and on the appeal the Minister shall cause the vehicle to be

re-examined by an officer appointed by him for the purpose and may make such determination on the basis of the re-examination as he thinks fit. PART II

(4) Part V of the principal Act and sections 19 to 22 of this Act shall apply to persons and goods vehicles in the public service of the Crown, but the function of issuing licences under the said Part V to persons subject to the Naval Discipline Act 1957, to military law or to air force law to drive such vehicles and of revoking and suspending such licences shall be exercisable by the prescribed licensing authority; and references in the said Part V and those sections to a licensing authority shall be construed accordingly. 1957 c. 53.

(5) Section 250(5) of the principal Act (responsibility for offences in connection with Crown vehicles) shall apply in relation to an offence under this Part of this Act as it applies to an offence under that Act.

(6) Section 260(1) to (3) of the principal Act (exercise of regulation-making powers and parliamentary control thereover) shall apply to any power to make regulations conferred by this Part of this Act and to any regulations made thereunder as it applies to any power to make regulations conferred by that Act and to any regulations made thereunder.

PART III

GENERAL

Arrest without warrant of persons driving while disqualified.

30. A constable in uniform may arrest without warrant any person driving or attempting to drive a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified for holding or obtaining a licence granted under Part II of the principal Act.

General provisions as to interpretation etc. 1960 c. 16. 1962 c. 59.

31.—(1) In this Act, except so far as the context otherwise requires—

"the Minister" means the Minister of Transport;

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

"the 1962 Act" means the Road Traffic Act 1962;

and other expressions used in the principal Act and this Act have the same meanings in this Act as they have in that Act.

(2) References in this Act to any other enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended, extended or applied by or under any subsequent enactment including this Act.

PART III
Minor and consequential amendments and repeals.

32.—(1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments therein specified, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Short title, citation, commencement and extent.
1960 c. 51.
1960 c. 63.
1960 c. 69.
1964 c. 45.

33.—(1) This Act may be cited as the Road Safety Act 1967.

(2) The principal Act, the Road Traffic (Amendment) Act 1960, the Road Traffic and Roads Improvement Act 1960, the Road Traffic (Driving of Motor Cycles) Act 1960, the 1962 Act, the Road Traffic Act 1964 and this Act may be cited together as the Road Traffic Acts 1960 to 1967.

(3) Part I and sections 16 and 17 of this Act, and any other provision of this Act amending or repealing section 6, 184, 185 or 232 of, or paragraph 2 of Schedule 14 to, the principal Act, shall come into operation on such day as the Minister may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes.

(4) This Act, except as provided by section 6, does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 32(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

THE PRINCIPAL ACT

1. In section 6(2), for the words from the beginning to " not driving the vehicle) " there shall be substituted the words " Without prejudice to the foregoing subsection, a person who, when in charge of a motor vehicle which is on a road or other public place ".

2. In section 6(3), after the words " under this section " there shall be inserted the words " or under section 1 or 3 of the Road Safety Act 1967."

3. In section 185(1), for the reference to section 184 there shall be substituted a reference to section 16 of this Act.

4. In section 193(4), the reference to conduct shall include a reference to conduct in Northern Ireland.

5. In section 194(1), for the reference to a test under section 193(2) there shall be substituted a reference to the prescribed test of competence to drive.

6. In section 195(1) after the word " thereon " there shall be inserted the words " or the ordering of disqualification under section 19(3) of the Road Safety Act 1967 ".

7. In section 199(1), in the definition of " prescribed ", the reference to regulations shall be construed as a reference to regulations under section 20 of this Act.

8.—(1) The documents which a police constable may require to be produced for examination under section 226(1) shall include, in relation to a goods vehicle the use of which on the road without a plating certificate, goods vehicle test certificate or one or more certificates in force under section 10 of this Act is an offence under section 14(1), (2) or (3) of this Act, any such certificate issued in respect of that vehicle or any trailer drawn by it.

(2) The said section 226(1), in so far as it provides for the production of any certificate mentioned in the foregoing subparagraph, shall apply to a person in connection with a goods vehicle so mentioned notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

9. In section 232(1)(*a*), the reference to Part I of the principal Act shall include references to Part I and sections 14, 16(9) and 17(1) of this Act.

10. The documents and other things to which section 233 applies shall include—

(*a*) any plating certificate, goods vehicle test certificate, manufacturer's certificate or Minister's approval certificate;

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(*b*) any plate containing plated particulars or containing other particulars required to be marked on a goods vehicle by section 10 of this Act or regulations thereunder; and

(*c*) any records required to be kept by virtue of section 18 of this Act.

11. In section 236, the references to a test certificate shall include references to a manufacturer's certificate.

12.—(1) In section 237, any reference to an offence committed under the provisions therein mentioned shall include a reference to an offence under section 25(2) of this Act.

(2) In section 237(2), after paragraph (*d*) there shall be inserted the following words:—

"or

(*e*) to plating certificates, goods vehicle test certificates, manufacturer's certificates or Minister's approval certificates as defined by section 10 of the Road Safety Act 1967, or

(*f*) to plates containing plated particulars as defined by section 8 of that Act or containing other particulars required to be marked on goods vehicles by section 10 of that Act or regulations thereunder, or

(*g*) to records required to be kept by virtue of section 18 of that Act."

13. In section 240, the reference to an offence against the provisions of the principal Act shall include a reference to an offence under this Act.

14. In section 246(1), the reference to a contravention of the provisions of the principal Act shall include a reference to a contravention of the provisions of this Act and the reference to section 6 of the principal Act shall be construed as including a reference to sections 1 and 3 of this Act.

15. In section 247, the references to offences under the foregoing provisions of the principal Act and the reference in subsection (2) to offences under that Act shall include references to offences under this Act.

16. In section 250, any reference to a provision of the principal Act shall be construed as a reference to that provision as amended by this Act.

17. In section 254, after the word "thereto", there shall be inserted the words "and for the purposes of Part I of the Road Safety Act 1967."

18. In section 255, the reference to the principal Act shall be construed as including a reference to Part II of this Act.

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19. For paragraph 2 of Schedule 14 to the principal Act there shall be substituted the following paragraph:—

"2. A prohibition of the use or driving of an authorised vehicle under section 184 of this Act or section 16 of the Road Safety Act 1967, or a conviction of an offence under subsection (9) of the said section 16."

20.—(1) In paragraph 1 of Schedule 15 for the words "the year ending on the first mentioned day" there shall be substituted the words "the year ending on the day specified in that behalf in the order".

(2) A person shall not be entitled to a licence to drive a vehicle of any class under the said paragraph 1 unless during the period or periods mentioned in that paragraph he has held a licence under Part II of the principal Act (other than a provisional licence) to drive vehicles of that class.

(3) The Minister may by regulations restrict the class of vehicles for the driving of which a licence is to be granted under the said paragraph 1 by reference to the class of vehicle which the applicant for the licence was driving during the said period or periods.

(4) For the reference in the said paragraph 1 to section 193(2) of the principal Act there shall be substituted a reference to section 19(2) of this Act.

(5) Paragraph 2 of the said Schedule 15 shall cease to have effect.

(6) In paragraph 3 of that Schedule, after the words "granted under Part II of this Act" there shall be inserted the words "other than a provisional licence".

THE 1962 ACT

21. A copy of a certificate required by the proviso to section 2(2) to be served on the accused or of a notice required by that proviso to be served on the prosecutor may either be personally served on the accused or the prosecutor (as the case may be) or sent to him by registered post or the recorded delivery service.

22. In section 38, the reference to an offence under the principal Act shall include a reference to an offence under this Act.

Section 32(2).

SCHEDULE 2

REPEALS

Chapter	Short Title	Extent
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	In section 6(2), the words from " and (ii) " onwards. Section 184. In section 185(1), the words " which has come into operation ", and in section 185(4), the words " withdraws or " and " withdrawal or ". Section 193(2) and (3). Section 197. In section 198, the words from " and shall " onwards. In section 199(1), the definition of " regulations ". In section 232(1)(*b*), the words " or subsection (5) of section one hundred and eighty-four of this Act ". In Schedule 15, paragraph 2.
10 & 11 Eliz. 2. c. 59.	The Road Traffic Act 1962.	In section 2(1), the words " or measurement " in both places where they occur and the words " or breath ". Section 2(6).