Road Traffic (Amendment) Act 1967

1967 CHAPTER 70

An Act to make provision for securing compliance with the requirements imposed by law as to the use of motor vehicles and trailers on roads and their construction, equipment, weight and condition, and for exempting persons convicted of offences against such requirements from the consequences of conviction, and to remove doubts about the extent of the power to make Orders under the Motor Vehicles (International Circulation) Act 1952. [27th July 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:—

Remedying of defects discovered on roadside tests.

1.—(1) Where on testing a motor vehicle under section 67 of the principal Act (roadside tests) it appears to an authorised examiner that there is a defect in the vehicle by reason that the vehicle does not comply with a construction and use requirement applicable to the vehicle, he may, whether or not the requirement is one mentioned in subsection (1) of that section and whether or not proceedings are instituted for a breach of the requirement, give a notice in writing to the person who is then the owner of the vehicle specifying the defect and the requirement in question and requiring him to give to the Minister within the permitted period a certificate complying with subsection (3) of this section or a declaration complying with subsection (4) of this section.

(2) On testing a motor vehicle as aforesaid an authorised examiner may require the person in charge of the vehicle to state whether he is the owner of the vehicle and, if he is not the owner, the name and address of the owner.

(3) A certificate under this section shall contain—

(*a*) a statement signed by the person to whom the notice under this section was given that he has taken steps to secure that repairs for the purpose of remedying the defects specified in the notice have been carried out at a vehicle testing station or to secure that the vehicle has been examined at such a station for the purpose of ascertaining whether any such repairs have been carried out; and

(*b*) a statement signed by a person having power to carry out examinations at such a station under section 65 of the principal Act (examinations for test certificates) that the signatory has either carried out any such repairs or examined the vehicle for the purpose of ascertaining whether those repairs have been carried out and that in his opinion the vehicle complies with the construction and use requirement specified in the notice.

(4) A declaration under this section shall be signed by the person to whom the notice under this section was given and shall state that he has sold or disposed of his interest in the vehicle to which the notice relates or that he does not intend to use it thereafter on a road in Great Britain.

(5) A person who, having been given a notice under this section, fails to give a certificate or declaration under this section within the permitted period to the Minister shall be liable on summary conviction to a fine not exceeding £50.

(6) A person who fails to comply with a requirement imposed on him by an authorised examiner under subsection (2) of this section shall be liable on summary conviction to a fine not exceeding £20.

(7) A person who knowingly makes a false statement in a certificate or declaration under this section shall be liable on summary conviction to imprisonment for a term not exceeding four months or a fine not exceeding £100 or both.

(8) The Minister may by regulations make provision with respect to the examination of vehicles for the purpose of ascertaining whether any such repairs as are mentioned in subsection (3)(*a*) of this section have been carried out and with respect to the making of statements under subsection (3)(*b*) of this section and, in particular, any such regulations—

(*a*) may prescribe the manner in which, conditions under which and apparatus with which such examinations are carried out and make provision with respect to the maintenance of that apparatus in an efficient state,

and with respect to the inspection of premises at which and apparatus with which such examinations are being, or are to be, carried out;

(*b*) may prescribe the manner in which applications may be made for such examinations or for such statements;

(*c*) shall give a right of appeal to any person aggrieved by the refusal of a person mentioned in subsection (3)(*b*) of this section to sign a certificate under that paragraph and shall prescribe the manner in which and time within which appeals under the regulations may be brought;

(*d*) may prescribe the information to be supplied and documents to be produced on such an application, examination or appeal;

(*e*) may prescribe the fees to be paid on such an application or appeal, and the repayment of the whole or of part of the fee paid on such appeal where it appears to the Minister that there were substantial grounds for appeal;

(*f*) may prescribe the form of notices, certificates and declarations under this section and of notices of appeal and other documents required for the purposes of this section; and

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

(9) In this section—

"authorised examiner" means any person who may act as an authorised examiner for the purposes of section 67 of the principal Act;

"construction and use requirement" means a requirement, whether applicable generally or at specified times or 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 Road Traffic Act 1962; 1957 c. 51. 1962 c. 59.

"permitted period" means a period of twenty-eight days beginning with the date of the notice under this section or such longer period as the Minister may, on the application of the owner of a motor vehicle, specify in writing.

Tests to check whether defects have been remedied.

2.—(1) Where a certificate has been given under the last foregoing section with respect to a motor vehicle, the Minister may, within the period of thirty days beginning with the date on which he receives the certificate, require the person who is the owner of the vehicle at the time of the requirement to make the

vehicle available for a further test by an officer of the Minister and for that purpose may request that person to specify—

(*a*) a period of seven days within which the examination is to take place, being a period falling within the period of thirty days beginning with the date of the requirement, disregarding any day in which the vehicle is outside Great Britain; and

(*b*) a place, or if that person thinks fit, a local government area, where the test may conveniently be carried out.

(2) Where a vehicle is made available under the foregoing subsection for a further test, any officer of the Minister may test and inspect it for the purpose of ascertaining whether any defect specified in the notice relating to it under the last foregoing section has been remedied.

(3) Section 1 of this Act shall apply in relation to a test under this section as it applies in relation to a test under section 67 of the principal Act with the substitution for references to an authorised examiner of references to an officer of the Minister.

(4) Paragraphs 3 and 4 of Schedule 8 to the principal Act (deferred tests of condition of vehicles) shall apply in relation to a test under this section as they apply in relation to a deferred test, subject to the following modifications, that is to say—

(*a*) for references therein to the foregoing provisions of that Schedule there shall be substituted references to subsection (1) of this section;

(*b*) in those paragraphs "owner" shall have the same meaning as in this Act and not the meaning assigned by paragraph 5 of that Schedule; and

(*c*) for the reference in paragraph 3 to premises there shall be inserted a reference to a place,

and section 67(4) of the principal Act (obstruction and failure to comply with that section and that Schedule) shall apply in relation to this section and in relation to that Schedule as applied by this section as it applies in relation to that section and that Schedule as originally enacted.

(5) Any station or apparatus provided and maintained under section 65(6) of the principal Act (provision and maintenance of stations and apparatus for examinations for test certificates) by the Minister or a council designated for the purposes of that section may be used by the Minister or that council, as the case may be, for the carrying out of examinations for the purpose of ascertaining whether any such repairs as are mentioned in

section 1(3)(*a*) of this Act have been carried out and for the carrying out of tests and inspections under this section.

(6) In subsection (1) of this section " local government area " means, as respects England and Wales, a county borough, a county district or Greater London and, as respects Scotland, a county or burgh.

Testing condition of used vehicles at sale rooms, etc.

3.—(1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are sold, supplied, or offered or kept for sale or supply, in the course of a business and test and inspect any used motor vehicle or trailer found thereon for the purpose of ascertaining whether it is in any such condition as is mentioned in section 68(1) of the principal Act (prohibition on the sale of vehicles in an unroadworthy condition), and for the purpose of testing a motor vehicle and any trailer drawn by it may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(2) If a person obstructs an authorised examiner acting under this section he shall be liable on summary conviction to a fine not exceeding £50.

(3) In this section an authorised examiner means a person who may act as an authorised examiner for the purposes of section 67 of the principal Act (roadside tests); and any such person, other than a police constable in uniform, shall produce his authority to act for the purposes of that section if required to do so.

(4) A motor vehicle or trailer shall be treated as used for the purposes of this section if, but only if, it has previously been sold or supplied by retail.

Extension of requirements of obligatory test certificates.

4.—(1) The motor vehicles to which section 66 of the principal Act (requirement for test certificates in case of vehicles registered not less than the prescribed period) applies at any time shall include those which, having a date of manufacture not less than the prescribed period before that time, have been used on roads (whether in Great Britain or elsewhere) before being registered under the Vehicles (Excise) Act 1962. 1962 c. 13.

(2) The use of a vehicle before it is sold or supplied by retail shall be disregarded for the purpose of the foregoing subsection.

(3) Section 66(6) of the principal Act (power to make regulations providing that excise licences shall not be granted to motor vehicles to which that section applies except on compliance with certain conditions) shall not apply in relation to motor vehicles to which subsection (1) of this section applies,

but the Minister may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act 1962 for any such vehicle and it appears from the application that the vehicle has been used on roads (whether in Great Britain or elsewhere) before the date of the application, the licence shall not be granted unless—

1962 c. 13.

(*a*) there is produced such evidence as may be prescribed by the regulations of the granting of an effective test certificate or (if it is so prescribed) such a certificate; or

(*b*) the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and the prescribed period from the date of manufacture has not expired; or

(*c*) there has been made a declaration prescribed by the regulations 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 prescribed under subsection (4), or in an area prescribed under subsection (5), of the said section 66 (exemption of use for prescribed purposes and in prescribed areas).

In paragraph (*a*) of this subsection "effective test certificate" has the same meaning as in paragraph (*a*) of the said section 66(6).

(4) Where a person is charged under section 15(1) of the Vehicles (Excise) Act 1962 (failure to fix marks and signs) with failing to fix a mark on a motor vehicle to which subsection (1) of this section applies, it shall be a defence for him to prove that he had no reasonable opportunity of registering the vehicle and that the vehicle was being driven on a road for the purposes of or in connection with its examination under section 65 of the principal Act (examination for test certificates) in circumstances in which its use is exempted from section 66(1) of that Act by regulations under section 66(4) thereof.

(5) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in the said excepted case shall be taken to be the last day of the year during which the modifications are completed.

(6) A person who knowingly produces false evidence for the purposes of regulations under subsection (3) of this section or knowingly makes a false statement in a declaration required to be made by the regulations shall be liable on summary

conviction to imprisonment for a term not exceeding four months or to a fine not exceeding £100 or both.

(7) In this section "prescribed period" means ten years or such shorter period as may be specified in an order under section 66(3) of the principal Act.

Power to appoint inspectors to carry out vehicle tests.

5. The power conferred by section 65(3) of the principal Act on the local authorities therein specified to appoint inspectors for the carrying out of examinations under that section shall be exercisable by councils of urban districts as well as by the councils therein specified, and accordingly in that subsection after the word "borough" there shall be inserted the words "of an urban district".

Punishment for contravention of construction and use regulations.

6.—(1) A person who contravenes or fails to comply with regulations under section 64 of the principal Act (construction and use regulations) shall be liable to the same punishment as if he uses on a road a motor vehicle or trailer which fails to comply with the regulations; and accordingly for subsection (2) of that section (punishment for using motor vehicles and trailers in contravention of such regulations) there shall be substituted the following subsection:—

"(2) Subject to the provisions of this section, a person—

(*a*) who contravenes or fails to comply with any such regulations as aforesaid; or

(*b*) who uses on a road a motor vehicle or trailer which does not comply with any such regulations or causes or permits the vehicle to be used;

shall be liable on summary conviction to a fine not exceeding £50".

1962 c. 59.

(2) In paragraph 19 of Part II of Schedule 1 to the Road Traffic Act 1962 the amendment of the said subsection (2) shall cease to have effect.

(3) Nothing in this section shall apply to any offence committed before the day appointed for the coming into operation of this section.

Exemption from disqualification and endorsement for offences against construction and use regulations.

7. Where a person is convicted in relation to a motor vehicle or trailer of an offence specified in paragraph 19 of Part II of Schedule 1 to the Road Traffic Act 1962 (using vehicles, or causing or permitting vehicles to be used, in contravention of construction and use regulations in specified respects), he shall not be liable to be disqualified under section 5 of that Act, nor shall particulars of his conviction be endorsed under section 7 thereof on any licence held by him, if he proves that he did

not know, and had no reasonable cause to suspect, that the facts of the case were such that that offence would be committed.

Extent of powers under Motor Vehicles (International Circulation) Act 1952.
1952 c. 39.

8. It is hereby declared for the avoidance of doubt that—

(*a*) the power conferred on Her Majesty by section 1 of the Motor Vehicles (International Circulation) Act 1952 (Orders in Council for implementing international agreements about international road traffic) to make provision by Order in Council for modifying any enactment relating to vehicles or the drivers of vehicles includes power to make provision corresponding to any such enactment; and

(*b*) the reference in subsection (1)(*b*) of that section to any enactment is a reference to any enactment passed before or after that Act;

and that section 2 of that Act (Orders for implementing international agreements about international road traffic in Northern Ireland) has effect accordingly.

Supplemental.

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

"owner", in relation to a vehicle which is the subject of a hire-purchase agreement, means the person in possession of the vehicle under that agreement;

"the Minister" means the Minister of Transport;

1960 c. 16.

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

"sold or supplied by retail" means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration;

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.

(3) 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 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.

Short title, citation, commencement and extent.

10.—(1) This Act may be cited as the Road Traffic (Amendment) Act 1967.

(2) This Act shall be included among the Acts which may be cited together as the Road Traffic Acts 1960 to 1967.

(3) This 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 section 8 thereof, does not extend to Northern Ireland.