



Road Traffic (Foreign Vehicles) Act 1972

CHAPTER 27

ARRANGEMENT OF SECTIONS

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ELIZABETH II



Road Traffic (Foreign Vehicles) Act 1972

1972 CHAPTER 27

An Act to make provision, in relation to foreign goods vehicles and foreign public service vehicles, for securing the observance of certain statutory provisions relating to road traffic; and for purposes connected with those matters. [11th May 1972]

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:—

1.—(1) The provisions of this section shall have effect with respect to any foreign goods vehicle or foreign public service vehicle where—

- Power in certain cases to prohibit driving of foreign vehicle.
- (a) an examiner exercises, in relation to the vehicle or its driver, any functions of the examiner under an enactment specified in the first column of Schedule 1 to this Act, or
- (b) an authorised person exercises, in relation to the vehicle, any functions of that person under section 160 of the Road Traffic Act 1972 (weighing of motor vehicles). 1972 c. 20.

(2) If in any such a case as is mentioned in subsection (1)(a) of this section—

- (a) the driver obstructs the examiner in the exercise of his functions under the enactment in question, or refuses, neglects or otherwise fails to comply with any requirement made by the examiner under that enactment, or
- (b) it appears to the examiner that, in relation to the vehicle or its driver, there has been a contravention of any of the enactments or instruments specified in the first

column of Schedule 2 to this Act, or that there will be such a contravention if the vehicle is driven on a road, the examiner may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose, and either for a specified period or without any limitation of time.

(3) If in any such case as is mentioned in subsection (1)(b) of this section—

(a) the driver obstructs the authorised person in the exercise of his functions under the said section 160, or refuses, neglects or otherwise fails to comply with any requirement made by the authorised person under that section, or

(b) it appears to the authorised person that any limit of weight applicable to the vehicle by virtue of regulations made under section 40 of the Road Traffic Act 1972 has been exceeded, or will be exceeded if the vehicle is driven on a road,

the authorised person may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose.

(4) Where an examiner or an authorised person prohibits the driving of a vehicle under this section, he may also direct the driver to remove the vehicle (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(5) Where a prohibition is imposed under subsection (2) or subsection (3) of this section, the examiner or authorised person shall forthwith give notice in writing of the prohibition to the driver of the vehicle, specifying the circumstances (as mentioned in paragraph (a) or paragraph (b) of either of those subsections) in consequence of which the prohibition is imposed, and—

(a) stating whether the prohibition is on all driving of the vehicle or only on driving it for a specified purpose (and, if the latter, specifying the purpose), and

(b) where the prohibition is imposed under subsection (2) of this section, also stating whether it is imposed only for a specified period (and, if so, specifying the period) or without limitation of time;

and any direction under subsection (4) of this section may be given either in that notice or in a separate notice in writing given to the driver of the vehicle.

2.—(1) Subject to any exemption granted under subsection (2) of this section, a prohibition under section 1 of this Act shall come into force as soon as notice of it has been given in accordance

with subsection (5) of that section, and shall continue in force until it is removed under the following provisions of this section (or, in the case of a prohibition imposed only for a specified period, shall continue in force until either it is removed under this section or that period expires, whichever first occurs).

(2) Where notice of a prohibition has been given under subsection (5) of section 1 of this Act in respect of a vehicle, 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 may be granted—

- (a) in the case of a prohibition under subsection (2) of that section, by any examiner, or
- (b) in the case of a prohibition under subsection (3) of that section, by any authorised person.

(3) A prohibition under subsection (2) of section 1 of this Act may be removed by any examiner, and a prohibition under subsection (3) of that section may be removed by any authorised person, if he is satisfied that appropriate action has been taken to remove or remedy the circumstances (as mentioned in paragraph (a) or paragraph (b) of either of those subsections) in consequence of which the prohibition was imposed; and on doing so the examiner or authorised person shall forthwith give notice in writing of the removal of the prohibition to the driver of the vehicle.

(4) In the exercise of his functions under section 1 of this Act or under this section an examiner shall act in accordance with any general directions given by the Secretary of State; and (without prejudice to the preceding provisions of this subsection) an examiner, in exercising his functions under subsection (2) of this section, shall act in accordance with any directions given by the Secretary of State with respect to the exercise of those functions in any particular case.

3.—(1) Any person who—

Enforcement provisions.

- (a) drives a vehicle on a road in contravention of a prohibition imposed under section 1 of this Act, or
- (b) causes or permits a vehicle to be driven on a road in contravention of such a prohibition, or
- (c) refuses, neglects or otherwise fails to comply within a reasonable time with a direction given under subsection (4) of that section,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(2) A constable in uniform may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence under the preceding subsection.

(3) Where a constable in uniform has reasonable cause to suspect the driver of a vehicle of having committed an offence under subsection (1) of this section, the constable may detain the vehicle, and for that purpose may give a direction, specifying an appropriate person and directing the vehicle to be removed by that person to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(4) Where under subsection (3) of this section a constable—

(a) detains a motor vehicle drawing a trailer, or

(b) detains a trailer drawn by a motor vehicle,

then, for the purpose of securing the removal of the trailer, he may also (in a case falling within paragraph (a) of this subsection) detain the trailer or (in a case falling within paragraph (b) of this subsection) detain the motor vehicle; and a direction under subsection (3) of this section may require both the motor vehicle and the trailer to be removed to the place specified in the direction.

(5) A vehicle which, in accordance with a direction given under subsection (3) of this section, is removed to a place specified in the direction shall be detained in that place, or in any other place to which it is removed in accordance with a further direction given under that subsection, until a constable (or, if that place is in the occupation of the Secretary of State, the Secretary of State) authorises the vehicle to be released on being satisfied—

(a) that the prohibition (if any) imposed in respect of the vehicle under section 1 of this Act has been removed, or that no such prohibition was imposed, or

(b) that appropriate arrangements have been made for removing or remedying the circumstances in consequence of which any such prohibition was imposed, or

(c) that the vehicle will be taken forthwith to a place from which it will be taken out of Great Britain, or

(d) in the case of a vehicle detained under subsection (4) of this section, that (in the case of a motor vehicle) the purpose for which it was detained has been fulfilled or (in the case of a trailer) it is no longer necessary to detain it for the purpose of safeguarding the trailer or its load.

(6) Any person who—

(a) drives a vehicle in accordance with a direction given under this section, or

(b) is in charge of a place at which a vehicle is detained under subsection (5) of this section,

shall not be liable for any damage to, or loss in respect of, the vehicle or its load unless it is shown that he did not take reasonable care of the vehicle while driving it or, as the case may be, did not, while the vehicle was detained in that place, take reasonable care of the vehicle or (if the vehicle was detained there with its load) did not take reasonable care of its load.

(7) In this section “appropriate person”—

- (a) in relation to a direction to remove a motor vehicle, other than a motor vehicle drawing a trailer, means a person licensed to drive vehicles of the class to which the vehicle belongs, and
- (b) in relation to a direction to remove a trailer, or to remove a motor vehicle drawing a trailer, means a person licensed to drive vehicles of a class which, when the direction is complied with, will include the motor vehicle drawing the trailer in accordance with that direction.

4.—(1) Subsection (3) of this section shall have effect in relation to a vehicle where it appears to an examiner that the vehicle— Production of certain documents.

- (a) is a foreign goods vehicle within the meaning of regulations for the time being in force under section 91(4) of the Transport Act 1968 (which enables certain provisions of that Act to be modified in their application to vehicles brought temporarily into Great Britain), and 1968 c. 73.
- (b) is being used, or has been brought into Great Britain for the purpose of being used, in such circumstances as, by virtue of section 60(1) of that Act as modified by the regulations, to require a document of a description specified in the regulations to be carried on it.

(2) The next following subsection shall also have effect in relation to a vehicle where it appears to an examiner that the vehicle—

- (a) is a foreign public service vehicle, and
- (b) is being used, or has been brought into Great Britain for the purpose of being used, in such circumstances as, by virtue of section 127(1) of the Road Traffic Act 1960 as modified by regulations for the time being in force under section 160(1)(k) of that Act (which enables certain provisions of that Act to be modified in their application to public service vehicles brought into Great Britain to carry persons staying there temporarily), to require a document of a description specified in the regulations to be carried on it. 1960 c. 16.

(3) In the circumstances mentioned in subsection (1) or subsection (2) of this section, the examiner, on production if so required of his authority,—

(a) may require the driver of the vehicle to produce a document of the description in question and to permit the examiner to inspect and copy it, and

(b) may detain the vehicle for such time as is requisite for the purpose of inspecting and copying the document;

and, if the driver refuses or fails to comply with any such requirement (including any case where he does so by reason that no such document is carried on the vehicle), the examiner may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose, and either for a specified period or without limitation of time.

(4) In subsections (4) and (5) of section 1 and in sections 2 and 3 of this Act any reference to a prohibition imposed under section 1, or under subsection (2) of section 1, of this Act shall be construed as including a reference to a prohibition imposed under this section; and, in relation to a prohibition imposed under this section, so much of section 1(5) or of section 2(3) of this Act as relates to the circumstances in consequence of which the prohibition was imposed shall be read subject to the appropriate modifications.

Application
of Road
Traffic Act
1972, s. 160,
to vehicles on
harbour land.
1972 c. 20.

5.—(1) The powers conferred by subsection (1) of section 160 of the Road Traffic Act 1972 (whereby an authorised person is empowered to require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles) shall be exercisable in relation to the person in charge of a motor vehicle which is a foreign goods vehicle or a foreign public service vehicle and is for the time being on land to which this section applies, whether that land is or is not a road, and whether apart from this section those powers would be so exercisable or not; and any reference in that section to those powers or to such a requirement shall be construed accordingly.

(2) This section applies to any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations.

(3) In this section “harbour” and “harbour operations” have the meanings assigned to them by section 57(1) of the Harbours Act 1964.

1964 c. 40.

6. Notwithstanding anything in the Government of Ireland Powers of
Act 1920, the Parliament of Northern Ireland shall have power Parliament of
to make laws for purposes similar to any of the purposes of this Northern
Act. Ireland.
1920 c. 67.

7.—(1) In this Act, except in so far as the context otherwise Interpretation
requires, the following expressions have the meanings hereby and
assigned to them respectively, that is to say— transitional
provisions.

“ authorised person ” means a person (whether an examiner
or not) authorised to exercise the powers of section 160
of the Road Traffic Act 1972 with respect to the weighing of motor vehicles and trailers; 1972 c. 20.

“ driver ”—

(a) in relation to a motor vehicle, includes any
person who is in charge of the vehicle and, if a
separate person acts as steersman, includes that person
as well as any other person in charge of the vehicle or
engaged in the driving of it, and

(b) in relation to a trailer, means any person who
(in accordance with the preceding paragraph) is the
driver of the motor vehicle by which the trailer is
drawn;

“ examiner ” means an examiner appointed under section
128(2) or section 183(1) of the Road Traffic Act 1960, 1960 c. 16.
a certifying officer appointed under Part III of that Act
or an examiner appointed under section 56(1) of the
Road Traffic Act 1972;

“ foreign goods vehicle ” (except in section 4 of this Act)
means a goods vehicle which has been brought into
Great Britain and which, if a motor vehicle, is not
registered in the United Kingdom or, if a trailer, is
drawn by a motor vehicle not registered in the United
Kingdom which has been brought into Great Britain;

“ foreign public service vehicle ” means a public service
vehicle which has been brought into Great Britain and
is not registered in the United Kingdom;

“ goods vehicle ” means a motor vehicle constructed or
adapted for use for the carriage or haulage of goods or
burden of any description, or a trailer so constructed or
adapted;

“ public service vehicle ” shall be construed in accordance
with sections 117 and 118 of the Road Traffic Act 1960;

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes.

(2) In this Act any reference to driving a vehicle shall, in relation to a trailer, be construed as a reference to driving the motor vehicle by which the trailer is drawn.

(3) In this Act any reference to a motor vehicle drawing a trailer, or to a motor vehicle by which a trailer is drawn, shall be construed as a reference to a motor vehicle to which a trailer is attached for the purpose of being drawn by it; and where, for the purpose of being drawn by a motor vehicle, two or more trailers (one of which is attached to the motor vehicle) are attached to each other, the motor vehicle shall for the purposes of this Act be treated as drawing each of those trailers.

(4) For the purposes of this Act a motor vehicle which does not for the time being have exhibited on it a licence or trade plates issued—

1971 c. 10.

(a) under the Vehicles (Excise) Act 1971 or under an enactment repealed by that Act, or

1954 c. 17
(N.I.).

(b) under the Vehicles (Excise) Act (Northern Ireland) 1954 or under any Act of the Parliament of Northern Ireland repealing that Act and re-enacting it with or without modifications,

shall be presumed, unless the contrary is proved, not to be registered in the United Kingdom.

(5) Where, in accordance with subsection (4) of this section, a motor vehicle is presumed not to be registered in the United Kingdom, but is subsequently proved to have been so registered, anything which—

(a) has been done in relation to the vehicle, or in relation to a trailer drawn by it, by a person relying in good faith on that presumption and purporting to act by virtue of any provision of this Act, and

(b) would have been lawfully done by virtue of that provision if the vehicle had not been registered in the United Kingdom,

shall be treated as having been lawfully done by virtue of that provision.

(6) Any reference in any provision of this Act to regulations made under an enactment specified in that provision shall be construed as including a reference to any regulations which, by virtue of that or any other enactment, have effect, or are to be treated, as if made under the enactment so specified.

(7) Any reference in section 1 of this Act, or in subsection (1) of this section, to section 160 of the Road Traffic Act 1972 shall be construed as a reference to that section read together with section 5 of this Act. 1972 c. 20.

8.—(1) This Act may be cited as the Road Traffic (Foreign Vehicles) Act 1972. Short title, commencement and extent.

(2) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint.

(3) This Act, with the exception of section 6, shall not extend to Northern Ireland.

SCHEDULES

Section 1.

SCHEDULE 1

ENACTMENTS CONFERRING FUNCTIONS ON EXAMINERS

	<i>Enactment</i>	<i>Function conferred</i>
1960 c. 16.	Section 128(3) of the Road Traffic Act 1960.	To enter and inspect public service vehicles.
1968 c. 73.	Section 99 of the Transport Act 1968.	To inspect and copy records and other documents required to be carried on goods and public service vehicles.
1972 c. 20.	Section 53 of the Road Traffic Act 1972.	To test the condition of motor vehicles on roads.
	Section 56 of the Road Traffic Act 1972.	To inspect goods vehicles to secure proper maintenance.

Section 1.

SCHEDULE 2

PROVISIONS RELATING TO VEHICLES AND THEIR DRIVERS

	<i>Provisions</i>	<i>Effect</i>
	Section 60 of the Transport Act 1968.	To require users of certain goods vehicles to hold operators' licences unless exempted from doing so.
	Regulations under section 91(1)(c) of the Transport Act 1968.	To require goods vehicles to be identified by plates, marks etc.
	Sections 96 to 98 of the Transport Act 1968 and regulations and orders made under those sections.	To limit driving time and periods of duty of drivers of goods and public service vehicles and to require the installation of recording equipment in, and the keeping of records on, such vehicles.
	Any order under section 100 of the Transport Act 1968.	To give effect to international agreements relating to vehicles used on international journeys.
	Regulations under section 40 of the Road Traffic Act 1972.	To regulate the construction, weight, equipment and use of motor vehicles and trailers on roads.
	Sections 68 to 73 and 76 to 79 of the Road Traffic Act 1972 and regulations made under those sections.	To require vehicles to carry front and rear lamps, headlamps and reflectors, to regulate their position, character and use and to make special provision for vehicles carrying overhanging or projecting loads and vehicles towing and being towed.

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