

SALE & SUPPLY OF 'UNROADWORTHY' VEHICLES GUIDANCE NOTES

What does the law say?

Section 75 of the Road Traffic Act 1988 makes it an offence to sell, supply or offer to sell or supply, or expose for sale an unroadworthy vehicle. It is also an offence to repair/service a vehicle and leave it in an unroadworthy state.

However, an offence may not be committed if the following can be proven,

- The vehicle was for export from Great Britain, or
- There was reasonable cause to believe that the vehicle would not be used on the road or would not be used until it had been put into roadworthy condition.

NB You would need to show that you took all reasonable steps to ensure the buyer was fully aware that the vehicle was unroadworthy and not to be used on the road.

What is meant by the term unroadworthy?

The Road Traffic Act 1988 does not give a definition of what is "unroadworthy", but instead makes reference to the following areas that, if not satisfactory, may lead to a vehicle being unroadworthy: -□

- Steering and steering gear
- Brakes and braking systems
- Tyres;
- Exhaust systems;
- Seatbelts and seatbelt anchorages;
- General condition (corrosion, suspension etc).

In short a vehicle may be classed as being unroadworthy if it is in such a condition that its use on the road would endanger the driver, passengers, other road users or pedestrians. There are also regulations, which, set out construction requirements for various components such as brakes, steering, gears, tyres, construction, weight and equipment of the vehicle. If a vehicle fails to meet the requirements it may also be considered unroadworthy.

How do you know if a vehicle is unroadworthy? Before selling or offering or exposing a vehicle for sale it should be thoroughly checked by a suitably qualified or competent person and any problems that make it unroadworthy must be rectified. If a car has a valid MOT certificate this does **not** necessarily mean it is roadworthy, however if you take the vehicle for a fresh MOT this will give you a better indication of whether it is in a roadworthy condition.

Can you sell unroadworthy vehicles for spares or repair etc.? Unroadworthy vehicles can be sold if:

- They are being sold for spares and the buyer has been made fully aware that this is the case and that the car should not be used on the road in its current state.
- The vehicle is to be repaired and made roadworthy by the buyer and the buyer has been made fully aware of this.

You should put a notice on the windscreen of the car stating that:

- It is unroadworthy
- It is being sold for spare parts / on the understanding that the buyer will restore to roadworthy condition
- It should not be used on the road in its current condition
- It must be transported from the premises (not driven)
- An MOT certificate or tax should not be given with the vehicle, as this would indicate that it is fit to use on the road.

In addition you should put this information on any document relating to a sale and ask the buyer to sign to say they understand. Ensure that any vehicle is not driven on a test drive or from the premises after purchase.

Further advice can be obtained by contacting our service on 01392 381381, by email tsadvice@devon.gov.uk, or using our online [contact form](#) .

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