

Road Traffic Act 1988

1988 CHAPTER 52

PART II U.K.

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Miscellaneous

Offences to do with reflectors and tail lamps. E+W+S

A person who sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a vehicle in accordance with the provisions of this Act or of any regulations made under it, not being an appliance which complies with the construction and use requirements applicable to a class of vehicles for which the appliance is adapted, is guilty of an offence.

Modifications etc. (not altering text)

C1 S. 83 restricted (1.7.1992) by S.I. 1992/1217, reg.7 (with reg. 11).

Appointment of officials and destination of fees. E+W+S

- (1) Subject to the consent of the Treasury as to number, the Secretary of State may appoint such officers and servants as he considers necessary for the operation of the provisions of sections 68 to 73 of this Act.
- (2) There shall be paid to [F1 examiners appointed under section 66A] of this Act such remuneration or salaries and such allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.
- (3) In every year there shall be paid out of monies provided by Parliament such sums as the Secretary of State may, with the consent of the Treasury, direct in respect of the remuneration, salaries and allowances under subsection (2) above and the other expenses of examiners.

Changes to legislation: Road Traffic Act 1988, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) Any sum received by the Secretary of State in pursuance of sections 45, 46, 49 to 51, 54 to 62,72(9) and 80 of this Act shall be paid into the Consolidated Fund.

Textual Amendments

Words in s. 84(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4** para. 60; S.I. 1992/1286, art. 2, Sch.

85 Interpretation of Part II. E+W+S

In this Part of this Act—

F2 ... F3

[F4ccEEA Agreement' means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;]

"EEA State" means a state which is a contracting Party to the EEA Agreement;

[F54 EU certificate of conformity" means a certificate of conformity issued by a manufacturer under Article 38 of the motorcycle type approval Regulation, or under Article 38 of that Regulation as it has effect in EU law;]

[F6": the EU Tachographs Regulation" means Regulation (EU) No. 165/2914 of the European Parliament and of the Council on tachographs in road transport as read with the Community Drivers' Hours and Recording Equipment Regulations 2007;]

F7 ... F8 ...

[F9: the motorcycle type approval Regulation" means Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15th January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles as it may be amended from time to time,]

"official testing station" means a testing station maintained by the Secretary of State under section [F1072A] of this Act,

"prescribed" means prescribed by regulations made by the Secretary of State, [FII" public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981,]

[F12act the road vehicles type approval Directive" means Directive 2007/46/EC of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers and of systems, components and separate technical units intended for such vehicles,]

[F13ct the road vehicles type approval Regulation" means Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles,]

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"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,

"tail lamp" means, in relation to a vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with regulations under section 41 of this Act,

[F14"the tractor type approval Regulation" means Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5th February 2013 on the approval and market surveillance of agricultural and forestry vehicles as it may be amended from time to time,]

"traffic area" has the same meaning as in the Public Passenger Vehicles Act $1981^{\,\mathrm{MI}}$, and

"vehicle part" means any article which is a motor vehicle part, within the meaning of section 80 of this Act, and any other article which is made or adapted for use as part of, or as part of the equipment of, a vehicle which is intended or adapted to be used on roads but which is not a motor vehicle within the meaning of that section.

Textual Amendments

- Words in s. 85(1) omitted (2.3.2016) by virtue of The Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations 2016 (S.I. 2016/248), regs. 1(2), 12(3)
- Words in s. 85(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), 5(5)(a)
- F4 In s. 85 definition of "EEA Agreement" inserted (30.11.1999) by S.I. 1999/2920, reg. 19, Sch. 2 para. 4(3)
- F5 Words in s. 85(1) inserted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), 5(5)(b)
- **F6** Words in s. 85(1) inserted (2.3.2016) by The Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations 2016 (S.I. 2016/248), regs. 1(2), 12(3)
- F7 in s. 85 definition of "licensing authority" repealed (1.1.1996) by 1995 c. 23, s. 60(1)(2), Sch. 7 para. 13, Sch. 8 Pt. I; S.I. 1995/2181, art. 2
- **F8** Words in s. 85(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **5(5)(c)**
- **F9** Words in s. 85(1) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 1(3)(c)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F10 Word in s. 85 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 61(a); S.I. 1992/1286, art. 2, Sch.
- **F11** Definition in s. 85 inserted (1.7.1992) (after the definition of "prescribed") by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 61(b)**; S.I. 1992/1286, art. 2, **Sch.**
- F12 S. 85: definition of "the road vehicles type approval Directive" inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818), reg. 3(6)(c)
- **F13** Words in s. 85 inserted (1.9.2020) by The Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), reg. 1(b), Sch. 6 para. 2(5) (with Sch. 4 paras. 16, 17)
- F14 Words in s. 85(1) substituted (20.5.2018) by The Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018 (S.I. 2018/236), reg. 1(b), Sch. 2 para. 1(3)(b) (with reg. 1(c), Sch. 1 paras. 16, 17)

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Marginal Citations
M1 1981 c. 14.

86 Index to Part II. E+W+S

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

| Certificate of conformity | [F15Section 57(1A)] F16 |
|---|-------------------------|
| | |
| Construction and use requirements | Section 41(7) |
| Design weights | Section 54(3) |
| [F17EU certificate of conformity] | [F18 Section 85] |
| [F19EU Tachographs Regulation | section 85] |
| Examination for plating | Section 49(4) |
| Goods vehicle examiner | Section 68(2) |
| Goods vehicle test | Section 49(4) |
| Goods vehicle test certificate F20 | Section 49(2)(b) F20 |
| | |
| F21 | F21 |
| F21 | F21 |
| F21 | F21 |
| Minister's approval certificate | Section 58(1) |
| [F22Motorcycle type approval Regulation] | [F18 Section 85] |
| Official testing station | Section 85 |
| Plating certificate | Section 49(2)(a) |
| Plated particulars | Section 41(7) |
| Plated weights | Section 41(7) |
| Prescribed | Section 85 |
| [F23Public service vehicle] | [F23Section 85] |
| Relevant aspects of design, construction, equipment and marking | Section 54(6) |
| [F24Road vehicles type approval Directive | Section 85] |
| [F25]Road vehicles type approval Regulation | Section 85] |

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Sold or supplied by retail Section 85 [F26Stopping officer Section 66B1 Tail lamp Section 85 Test certificate Section 45(2) [F27Tractor type approval Regulation] Section 85 Traffic area Section 85 Type approval certificate Section 55(2) Section 54(1) Type approval requirements [F23Vehicle examiner] [F23Section 66A] Vehicle part Section 85

Textual Amendments

- F15 Words in the Table in s. 86 substituted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, Sch. 2 para. 5(3) (a).
- F16 Words in s. 86 omitted (2.3.2016) by virtue of The Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations 2016 (S.I. 2016/248), regs. 1(2), 12(4)
- F17 Words in s. 86 substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), 5(6)(a)
- F18 Words in the Table in s. 86 inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, Sch. 2 para. 5(3)(b).
- F19 Words in s. 86 inserted (2.3.2016) by The Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations 2016 (S.I. 2016/248), regs. 1(2), 12(4)
- **F20** Words in Table in s. 86 repealed (1.1.1996) by 1995 c. 23, s. 60(1)(2), Sch. 7 para. 14, **Sch. 8 Pt. I** (with ss. 54, 55); S.I. 1995/2181, **art. 2**
- **F21** Words in s. 86 omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **5(6)(b)**
- **F22** Words in s. 86 substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 1(4)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- **F23** Words in the Table in s. 86 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 62; S.I. 1992/1286, art. 2, Sch.
- **F24** Words in the Table in s. 86 inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818), reg. 3(7)
- **F25** Words in s. 86 Table inserted (1.9.2020) by The Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 2(6)** (with Sch. 4 paras. 16, 17)
- **F26** Words in the Table in s. 86 inserted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, **2(5)**
- F27 Words in s. 86 substituted (20.5.2018) by The Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018 (S.I. 2018/236), reg. 1(b), Sch. 2 para. 1(4) (with reg. 1(c), Sch. 1 paras. 16, 17)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A inserted by 2000 c. 37 Sch. 7 para. 6 (This amendment not applied to legislation.gov.uk. The amending provision has been repealed)
- s. 41(2)(m) inserted by 2006 c. 49 s. 18(1)(a)
- s. 41(2)(ba) inserted by 2006 c. 49 s. 56(3)
- s. 49(3A) inserted by 2006 c. 49 s. 48(1)
- s. 66(7A) inserted by 2006 c. 49 s. 56(5)
- s. 85(1) words omitted (temp.) by S.I. 2019/648 reg. 2(5)(a) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(i))
- s. 85(1) words omitted (temp.) by S.I. 2019/648 reg. 2(5)(d) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(ii))
- s. 85(2) added by 1988 c. 54 Sch. 2 para. 17(c)
- s. 97(1)(c)(ia) words repealed by 2006 c. 49 Sch. 3 para. 6(2)(b)Sch. 7(4)
- s. 97(1)(d)(ii) words omitted by S.I. 2018/1251 reg. 2(4)
- s. 97(1ZA) inserted by 2006 c. 49 s. 38(2)
- s. 108(1BA) inserted by S.I. 2018/1251 reg. 2(5)(c)
- s. 123123A substituted for s. 123 by 2006 c. 49 Sch. 6 para. 2
- s. 123A(3) words inserted by 2009 c. 17 s. 1(3)
- s. 124(3)-(5) inserted by 2009 c. 17 s. 3
- s. 124(6) inserted by 2015 c. 20 Sch. 2 para. 2(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(3A)-(3D) inserted by 2015 c. 20 Sch. 2 para. 3(2) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(5A) inserted by 2015 c. 20 Sch. 2 para. 3(3) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by 2006 c. 49 Sch. 6 para. 6(3)
- s. 125ZA inserted by 2006 c. 49 Sch. 6 para. 5
- s. 125ZA(2)(b) word omitted by 2015 c. 20 Sch. 2 para. 4(2)(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(2)(d) and word inserted by 2015 c. 20 Sch. 2 para. 4(2)(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) word omitted by 2015 c. 20 Sch. 2 para. 4(3)(c) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) words substituted by 2015 c. 20 Sch. 2 para. 4(3)(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(ba)(bb) inserted by 2015 c. 20 Sch. 2 para. 4(3)(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

- s. 125ZA(4)(ca) inserted by 2015 c. 20 Sch. 2 para. 4(3)(d) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126(5) omitted by 2015 c. 20 Sch. 2 para. 6 (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126A inserted by 2016 c. 16 s. 1(3)
- s. 126A omitted (cond.) by 2006 c. 49 Sch. 6 para. 8A (as inserted) by 2016 c. 16 s.
 3(3)
- s. 126A heading words inserted by S.I. 2016/1089 reg. 3(2) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by S.I. 2016/1089 reg. 3(3)(a) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by S.I. 2016/1089 reg. 3(3)(b) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128A inserted by 2006 c. 49 Sch. 6 para. 11
- s. 128A(4) inserted by 2006 c. 49 Sch. 6 para. 11 (as inserted) by 2016 c. 16 s. 4(4)
- s. 128B inserted by 2015 c. 20 Sch. 2 para. 9 (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 128ZA inserted by 2009 c. 17 s. 1(1)
- s. 128ZB inserted by 2009 c. 17 s. 2
- s. 128AZA128AZB inserted by 2016 c. 16 s. 2(2)
- s. 128AZA128AZB inserted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by 2016 c. 16 s. 4(2)
- s. 128AZA128AZB substituted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by 2016 c. 16 s. 4(2)
- s. 128AZA heading words inserted by S.I. 2016/1089 reg. 4(2)(a) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(1) words inserted by S.I. 2016/1089 reg. 4(2)(b) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(4) words inserted by S.I. 2016/1089 reg. 4(2)(c) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB heading words inserted by S.I. 2016/1089 reg. 4(3)(a) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by S.I. 2016/1089 reg. 4(3)(b)(i) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by S.I. 2016/1089 reg. 4(3)(b)(ii) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 131(A1)-(C1) inserted by 2006 c. 49, Sch. 6 para. 13(1A) (as inserted) by S.I.
 2023/1286 Sch. 3 para. 92(2)(a)(i)
- s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by 2006 c. 49 Sch. 6 para. 13(4)
- s. 131(6) inserted by 2016 c. 16 s. 2(4)
- s. 131(6) inserted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by 2016 c. 16 s. 4(5)
- s. 131(6) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by 2016 c. 16 s.
 4(5)
- s. 132-133ZA and cross-heading substituted for ss. 132, 133 and cross-heading by 2006 c. 49 Sch. 6 para. 14

- s. 133(2)(a) words omitted by 2015 c. 20 Sch. 2 para. 10(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133(2)(b) words omitted by 2015 c. 20 Sch. 2 para. 10(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133D(1A) inserted by 2015 c. 20 Sch. 2 para. 14(2) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 140(1)(2) inserted by 2006 c. 49 Sch. 6 para. 23(2)
- s. 140(1A) inserted in earlier affecting provision 2006 c. 49, Sch. 6 para. 23(2) by
 s. I. 2023/1286 Sch. 3 para. 92(2)(b)
- s. 140(3) s. 140 renumbered as s. 140(3) by 2006 c. 49 Sch. 6 para. 23(1)
- s. 141A(5) words repealed by 2006 c. 49 Sch. 3 para. 24Sch. 7(4)
- s. 143(1A) repealed (cond.) by S.I. 2019/1047 Sch. 2 para. 2 (This amendment not applied to legislation.gov.uk. The insertion of s. 143(1A) by 2018 c. 18, Sch. para. 17 was repealed (1.11.2019) by The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, Sch. 2 para. 1 (with reg. 5) without ever being brought into force.)
- s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by 2006 c. 49 Sch. 6 para. 27
- s. 173(2)(n) and word inserted by 2006 c. 49 s. 37(8)
- s. 174(1)(da) inserted by 2006 c. 49 Sch. 6 para. 28
- s. 183(6A) inserted by 2006 c. 49 Sch. 6 para. 29