



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

##### *Tests of certain classes of goods vehicles*

#### **49 Tests of satisfactory condition of goods vehicles and determination of plated weights, etc.**

- (1) The Secretary of State may by regulations make provision for the examination of goods vehicles of any prescribed class—
  - (a) for the purpose of selecting or otherwise determining plated weights or other plated particulars for goods vehicles of that class, or
  - (b) 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, [<sup>F1</sup>or
  - (c) for the purpose of ascertaining whether the condition of the vehicle is such that its use on a road would involve a danger of injury to any person,or for any of those purposes.]
- (2) In particular the regulations may make provision—
  - (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 (in this Act referred to as a “plating certificate”) specifying those particulars,
  - (b) for the issue, for a goods vehicle which has been found on examination for the purpose to comply with the prescribed construction and use requirements [<sup>F2</sup>and the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person], of a certificate (in

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- this Act referred to as a “goods vehicle test certificate”) stating that the vehicle has been found so to 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—
- (i) of any such refusal, and
- (ii) of the grounds of the refusal,
- and for the refusal of a plating certificate where a goods vehicle test certificate is refused.
- (3) References in subsections (1) and (2) above to construction and use requirements shall be construed—
- (a) 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
- (b) 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.
- (4) In this Part 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 regulations under this section for the purpose of ascertaining whether any prescribed construction and use requirements [<sup>F3</sup>, or the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person,] are complied with in the case of a goods vehicle.
- (5) In its application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this section shall have effect as if any reference to prescribed construction and use requirements included a reference to prescribed requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.

#### Subordinate Legislation Made

- P1** S. 49 (with s. 51(1)) power exercised by [S.I. 1991/252](#).  
S. 49 (with s. 51(1)) power exercised by [S.I. 1991/454](#)  
S. 49: for exercises of this power see Index to Government Orders.

#### Textual Amendments

- F1** Words in s. 49(1) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 54\(2\)](#); [S.I. 1992/1286](#), [art. 2](#), Sch.
- F2** Words in s. 49(2)(b) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 54\(3\)](#); [S.I. 1992/1286](#), [art. 2](#), Sch.
- F3** Words in s. 49(4) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 54\(4\)](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

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PROSPECTIVE

**[<sup>F4</sup>49A Use of records of goods vehicle examinations, etc.**

- (1) This section applies to—
  - (a) the records maintained by the Secretary of State (or caused by him to be maintained) under section 49(3A) of this Act, and
  - (b) the records maintained by the Secretary of State in connection with any functions exercisable by him under or by virtue of the Vehicle Excise and Registration Act 1994.
- (2) The Secretary of State may use the information contained in records falling within either paragraph of subsection (1) above—
  - (a) to check the accuracy of the records falling within the other paragraph of that subsection, and
  - (b) where appropriate, to amend or supplement information contained in those records.
- (3) The Secretary of State may also use the information contained in records falling within paragraph (b) of that subsection for the purpose of promoting compliance with section 53 of this Act.
- (4) This section does not limit any powers of the Secretary of State apart from this section.]

**Textual Amendments**

**F4** S. 49A inserted (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 48(2)**, 61

**50 Appeals against determinations.**

- (1) Any person aggrieved by a determination made on an examination under regulations under section 49 of this Act by the person in charge of the examination may appeal to [<sup>F5</sup>the Secretary of State].
- <sup>F6</sup>(2) .....
- <sup>F6</sup>(3) .....
- (4) On the appeal the Secretary of State must cause the vehicle to be re-examined by an officer appointed by him for the purpose and must make such determination on the basis of the re-examination as he thinks fit.
- (5) Regulations under section 49 of this Act may make the like provision in relation to a determination on an appeal under this section as they make in relation to a determination on an examination under the regulations.

**Textual Amendments**

**F5** Words in s. 50(1) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 55(2)**; S.I. 1992/1286, **art. 2**, Sch.

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**F6** S. 50(2) and (3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 55(3), Sch. 8; S.I. 1992/1286, art. 2, Sch.

## 51 Particular aspects of regulations under section 49.

- (1) Without prejudice to the generality of subsection (1) of section 49 of this Act, regulations under that 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 periodic 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 Secretary of State, and
    - (iii) require any such vehicle to be submitted for examination or re-examination for any purpose of plating or certification,
  - (b) authorise any examination under the regulations to be carried out by or under the direction of a <sup>F7</sup> . . . vehicle examiner,
  - (c) prescribe the conditions subject to which vehicles will be accepted for such examination and, without prejudice to that—
    - (i) authorise any person by whom an examination of the vehicle under the regulations or section 50 of this Act is carried out to drive the vehicle, whether on a road or elsewhere, and
    - (ii) require that a driver of a vehicle examined under those regulations or that section is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination 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 Secretary of State,
  - (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 section 50 of this Act 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 Secretary of State that there were substantial grounds for contesting the whole or part of the determination appealed from,
  - (j) 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,

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- (k) 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,
  - (l) exempt prescribed classes of vehicles from all or any of the provisions of the regulations either generally or in prescribed circumstances,
  - (m) make different provision for different cases.
- (2) Regulations under section 49 of this Act may provide that a person who contravenes or fails to comply with a requirement of regulations imposed by virtue of subsection (1) (c)(ii) above is guilty of an offence.
- (3) In this section any reference to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.

#### Subordinate Legislation Made

- P2** Ss. 49 and 51 power exercised by [S.I. 1991/252](#).  
S. 49 (with s. 51(1)) power exercised by [S.I. 1991/454](#)  
S. 51: for exercises of this power see Index to Government Orders.

#### Textual Amendments

- F7** Word in s. 51(1)(b) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch. 8](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

## 52 Supplementary provisions about tests, etc., of goods vehicles.

- (1) Without prejudice to any regulations made under section 49 of this Act by virtue of section 51(1)(c) of this Act, the Secretary of State may give directions with respect to the manner in which examinations under regulations under section 49 or under section 50 of this Act are to be carried out.
- (2) The Secretary of State may provide and maintain stations where examinations of goods vehicles under regulations under section 49 or under section 50 of this Act may be carried out and may provide and maintain the apparatus for carrying out such examinations.

## 53 Obligatory goods vehicle test certificates.

- (1) If any person at any time on or after the relevant date—
- (a) uses on a road a goods vehicle of a class required by regulations under section 49 of this Act to have been submitted for examination for plating, or
  - (b) causes or permits to be used on a road a goods vehicle of such a class,
- and at that time there is no plating certificate in force for the vehicle, he is guilty of an offence.

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

- (2) If any person at any time on or after the relevant date—
- (a) uses on a road a goods vehicle of a class required by regulations under section 49 of this Act to have been submitted for a goods vehicle test, or
  - (b) causes or permits to be used on a road a goods vehicle of such a class,

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and at that time there is no goods vehicle test certificate in force for the vehicle, he is guilty of an offence.

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

(3) Any person who—

- (a) uses a goods vehicle on a road, or
- (b) causes or permits a goods vehicle to be so used,

when an alteration has been made to the vehicle or its equipment which is required by regulations under section 49 of this Act to be, but has not been, notified to the Secretary of State [<sup>F8</sup>or the prescribed testing authority] is guilty of an offence.

(4) In any proceedings for an offence under subsection (3) above, it shall be a defence to prove that the alteration was not specified in the relevant plating certificate in accordance with regulations under section 49 of this Act.

(5) The Secretary of State may by regulations—

- (a) exempt from all or any of the preceding provisions of this section the use of goods vehicles for such purposes or in such an area as may be prescribed, and
- (b) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of subsection (1) or (2) above for such period as may be specified in the certificate.

#### Textual Amendments

- F8** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 10(7)(b)**, 76(2) (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 4(4)(b)**)

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