

## SCHEDULE 1

Articles 3 to 8

### SPECIFIED FUNCTIONS

#### PART 1

##### INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS ACT 1976

1. The functions of the Secretary of State in relation to the inspection, examination, testing or certification of transport equipment under the 1976 Act.
2. The functions of the Secretary of State in relation to the approval of type vehicles under the 1976 Act.
3. Enforcement and compliance functions of the Secretary of State directly or indirectly related to or connected with the functions specified in paragraphs 1 and 2.

#### PART 2

##### PUBLIC PASSENGER VEHICLES ACT 1981

###### **Fitness of public service vehicles**

4. The functions of the Secretary of State or vehicle examiners in relation to the initial fitness, examination and re-examination of public service vehicles under the 1981 Act, including without limitation, the issue of certificates, duplicate certificates and functions in relation to appeals.
5. The functions of the Secretary of State or vehicle examiners in relation to type vehicle approval under the 1981 Act including, without limitation, the issue of certificates of type approval and conformity, duplicate certificates and functions in relation to appeals.
6. Enforcement and compliance functions of the Secretary of State, vehicle examiners or traffic commissioners directly or indirectly related to or connected with any of the functions specified in paragraphs 4 and 5, including without limitation, the enforcement of conformity of production standards and standards of fitness.

###### **Licensing of Operators of Public Service Vehicles**

7. The functions of the Secretary of State or the traffic commissioners, in relation to the licensing of operators of public service vehicles, under the 1981 Act and the 1985 Act.
8. The functions of the Secretary of State or the traffic commissioners, in relation to anything done by the European Communities or any of their institutions in relation to licensing of operators of public service vehicles.
9. Any other functions of the Secretary of State or the traffic commissioners, in relation to public service vehicles, including without limitation, the exercise of appellate functions.
10. The functions of the Secretary of State or the traffic commissioners, in providing staff or other assistance and support generally to the Transport Tribunal and in providing assistance and support in relation to any appeal before the Transport Tribunal.
11. Enforcement and compliance functions of the Secretary of State, the traffic commissioners, or vehicle examiners, which are directly or indirectly related to or connected with the functions

specified in paragraphs 7 to 10, or any other requirements relating to the operation or driving of public service vehicles, including without limitation, requirements as to —

- (a) public service vehicle weights, size, design, accessibility, safety standards, maintenance, testing, and any other matter relating to the vehicle itself;
- (b) the carrying capacity of public service vehicles;
- (c) drivers' hours and working time, including the use of tachographs and other requirements for the maintenance of records;
- (d) the conduct of drivers, conductors and passengers;
- (e) the holding of any document, including without limitation, any certificate, licence, permit or authorisation;
- (f) compliance with conditions on an operator's licence.

### **Documents required for journeys outside of Great Britain or for public service vehicles registered outside of Great Britain**

**12.** The functions of the Secretary of State in relation to applications for, and the issue of, documents required in relation to public service vehicles registered in Great Britain while making journeys to or from places outside Great Britain or in relation to public service vehicles registered outside Great Britain.

**13.** Enforcement and compliance functions of the Secretary of State directly or indirectly related to or connected with the functions specified in paragraph 12.

### **Registration of local bus services**

**14.** The functions of the Secretary of State or the traffic commissioners in relation to applications for the registration of local services under section 6 of the 1985 Act and the cancellation, variation and the continuing in force of such registrations under the 1981 Act and the 1985 Act.

**15.** The functions of the Secretary of State or the traffic commissioners in relation to determining traffic regulation conditions under sections 7(1) to 9(2) of the 1985 Act, including the determination of appeals.

**16.** Any other functions of the Secretary of State or the traffic commissioners in relation to the registration of local services under the 1985 Act.

**17.** Enforcement and compliance action directly or indirectly related to or connected with the functions specified in paragraphs 14 to 16.

### **Permits under sections 19 and 22 of the Transport Act 1985**

**18.** The functions of the Secretary of State or the traffic commissioners in relation to applications for and the grant of permits under the 1981 Act and sections 19 and 22 of the 1985 Act.

**19.** Any other functions of the Secretary of State or the traffic commissioners in relation to permits under sections 19 and 22 of the 1985 Act.

**20.** Enforcement and compliance functions of the Secretary of State or the traffic commissioners directly or indirectly related to or connected with the functions specified in paragraphs 18 and 19.

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(1) Section 7 was amended by paragraph 117(2) of Schedule 8 to the New Roads and Street Works Act 1991 (c.22), as respects England and Wales, by section 142 of, and Part II of Schedule 31 to the Transport Act 2000 (c.38), as respects Scotland, by section 42 of the [Transport \(Scotland\) Act 2001 \(asp.2\)](#), by section 50 of the Local Transport Act 2008 and by [S.I. 1996/974](#).

(2) Section 9 was amended by section 51 and Part 3 of Schedule 7 to the Local Transport Act 2008.

## PART 3

### ROAD TRAFFIC ACT 1988

#### **Testing of Public Service Vehicles**

**21.** The functions of the Secretary of State or vehicle examiners in relation to the inspection, testing and examination of public service vehicles under the 1988 Act and the 1981 Act **(3)**.

**22.** Any other functions of the Secretary of State or vehicle examiners in relation to the testing and inspection of public service vehicles, including, without limitation—

- (a) the issue of duplicate test certificates;
- (b) functions in connection with appeals and appeal tests;
- (c) the provision of services to create or maintain records including electronic data or to transfer information between persons by electronic data transmission or other means;
- (d) the installation, modification, servicing, repair or replacement of apparatus or the training, supervision, inspection or monitoring of persons authorised to use such apparatus.

**23.** Enforcement and compliance functions of the Secretary of State or vehicle examiners directly or indirectly related to or connected with the functions specified in paragraphs 21 and 22.

**24.** The functions specified in paragraphs 7 to 11.

#### **Testing of vehicles to which section 45 of the 1988 Act applies, other than public service vehicles**

**25.** Functions of the Secretary of State or vehicle examiners, under the 1988 Act, in relation to the inspection, testing and examination of vehicles to which section 45 of the 1988 Act applies, other than public service vehicles.

**26.** Any other functions of the Secretary of State or vehicle examiners, in relation to the inspection, testing and examination of vehicles, to which section 45 of the 1988 Act applies, other than public service vehicles, including, without limitation—

- (a) the inspection or supervision of premises, equipment, records, vehicles and testing station testing standards;
- (b) the training, re-training and checking of the continuing competence of testers and authorised examiners and inspectors;
- (c) the issue of duplicate test certificates;
- (d) functions in connection with appeals and appeal tests;
- (e) the provision of services to create or maintain records including electronic data or to transfer information between persons by electronic data transmission or other means;
- (f) the installation, modification, servicing, repair or replacement of apparatus or the training, supervision, inspection or monitoring of persons authorised to use such apparatus.

**27.** Enforcement and compliance functions of the Secretary of State or vehicle examiners directly or indirectly related to or connected with the functions specified in paragraphs 25 and 26.

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**(3)** As the 1981 Act is amended by the Transport Act 1985.

### **Goods Vehicles Plating and Testing**

**28.** The functions of the Secretary of State or vehicle examiners, in relation to the inspection, testing and examination of goods vehicles and examination for plating of goods vehicles to which regulations under section 49 or section 63A of the 1988 Act apply.

**29.** The functions of the Secretary of State or vehicle examiners, in relation to alterations to goods vehicles or their plated weights, to which regulations under section 59 or section 63A of the 1988 Act apply.

**30.** Enforcement and compliance functions of the Secretary of State or vehicle examiners directly or indirectly related to or connected with the functions specified in paragraphs 28 and 29.

**31.** The functions specified in paragraphs 44 to 47.

### **Approval of design, construction, equipment and marking of vehicles and parts**

**32.** The functions of the Secretary of State or authorised persons in relation to the approval of the design, construction, equipment and marking of vehicles and parts under the 1988 Act. For the purposes of this paragraph and paragraphs 34 and 35, authorised persons means persons authorised by regulations made under sections 61(1) and s 61(2)(f) of the 1988 Act.

**33.** The functions of the Secretary of State or vehicle examiners in relation to the plating, testing and ascertaining of the condition of goods vehicles to which regulations under section 49 or section 63A of the 1988 Act apply.

**34.** The functions of the Secretary of State, or authorised persons, in relation to type approval and conformity of production standards under the 1988 Act, including, without limitation, the issue of certificates of conformity or Minister's approval certificates and duplicates of such certificates and functions in connection with appeals and appeal tests.

**35.** Enforcement and compliance functions of the Secretary of State, authorised persons or vehicle examiners directly or indirectly related to or connected with the functions specified in paragraphs 32 to 34.

### **Removal of prohibitions**

**36.** The functions of the Secretary of State or vehicle examiners in relation to the inspection of a vehicle or test certificate with a view to the removal of a prohibition.

**37.** The functions of the Secretary of State or vehicle examiners in relation to an appeal against a refusal to remove a prohibition.

**38.** Enforcement and compliance functions of the Secretary of State or vehicle examiners directly or indirectly related to or connected with the functions specified in paragraphs 36 and 37.

## **PART 4**

### **VEHICLE AND EXCISE REGISTRATION ACT 1994**

**39.** The functions of the Secretary of State or authorised examiners, in relation to vehicle identity checks under section 22A of the 1994 Act. For the purposes of this paragraph and paragraphs 40, 41 and 43(a) and (b), authorised examiners means examiners authorised by regulations made under section 22A of the 1994 Act.

**40.** The functions of the Secretary of State or authorised examiners, in relation to the determination of the design weight of goods vehicles under section 61A of the 1994 Act.

**41.** Any other functions of the Secretary of State or authorised examiners, in relation to the determination of the design weight of goods vehicles.

**42.** The functions of the Secretary of State or authorised examiners in relation to reduced pollution certificates under section 61B (1), (2) and (3) **(4)** of the 1994 Act. For the purposes of this paragraph and paragraph 43(c), authorised examiners means examiners authorised by regulations made under section 61B of the 1994 Act.

**43.** Enforcement and compliance action functions of the Secretary of State, vehicle examiners, or authorised examiners, directly or indirectly related to or connected with the functions specified in—

- (a) paragraph 39;
- (b) paragraphs 40 and 41;
- (c) paragraph 42.

## PART 5

### GOODS VEHICLES (LICENSING OF OPERATORS) ACT 1995

**44.** The functions of the Secretary of State or the traffic commissioners, in relation to goods vehicles and the licensing of operators of goods vehicles, under the 1995 Act.

**45.** The functions of the Secretary of State or the traffic commissioners, in relation to anything done by the European Communities or any of their institutions in relation to the licensing of operators of goods vehicles.

**46.** Any other functions of the Secretary of State, or the traffic commissioners, in relation to goods vehicles including without limitation, the exercise of any appellate functions.

**47.** Enforcement and compliance action directly or indirectly related to or connected with the functions of the Secretary of State, the traffic commissioners, or vehicle examiners relating to the operation, driving, or keeping of goods vehicles including, without limitation, requirements as to—

- (a) goods vehicle weights, loads, size, design, accessibility, safety standards, maintenance, plating and testing and any other matter relating to the vehicle itself;
- (b) loads carried on goods vehicles;
- (c) hazardous load requirements under the Health and Safety at Work etc. Act 1974<sup>(5)</sup> or regulations made under that Act;
- (d) requirements relating to drivers' hours and working time, including the use of tachographs and other requirements for the maintenance of records;
- (e) conduct of drivers;
- (f) the holding of any document, including without limitation any certificate, licence, permit or authorisation;
- (g) compliance with conditions on an operator's licence.

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(4) Section 61B 1994 Act was inserted by the Finance Act 1998, s 16, Schedule 1, paragraph 2. Section 61B(1) and (3) were amended by the Finance Act 2008, s 148. Section 61B (2) was amended by the Finance Act 2006, s 14.

(5) [1974 c.37](#)

## PART 6

### DISABILITY DISCRIMINATION ACT 1995

**48.** The functions of the Secretary of State or vehicle examiners in relation to the issue of accessibility certificates under section 41 of the Disability Discrimination Act 1995.

**49.** The functions of the Secretary of State or vehicle examiners in relation to the approval of type vehicles under section 42 of the Disability Discrimination Act 1995 and the issue of approval certificates.

**50.** The functions of the Secretary of State in respect of reviewing approval decisions or considering appeals against the refusal to issue accessibility or approval certificates, under section 44 of the Disability Discrimination Act 1995.

**51.** Enforcement and compliance action directly or indirectly related to or connected with the functions specified in paragraphs 48 to 50.

### SCHEDULE 2

### Article 9

**1.** The allocation, over a period of years, of an initial or exceptional cost, in relation to any of the functions specified in Schedule 1.

**2.** The recovery of any past deficits incurred in relation to any of the functions specified in Schedule 1.