



Road Traffic Act 1972

1972 CHAPTER 20

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

General provisions

- 43 Tests of satisfactory condition of vehicles other than goods vehicles to which s.45 applies**
- (1) The provisions of this section and of sections 44 and 52(1) of this Act shall have effect in relation to motor vehicles other than goods vehicles which are required by regulations under section 45 of this Act to be submitted for a goods vehicle test under that section and for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with.
 - (2) The Secretary of State may by regulations make provision for the examination of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereafter in this Act referred to as a "test certificate") that at the date of the examination the requirements were complied with in relation to the vehicle.
 - (3) Examinations for the purposes of this section shall be carried out by persons, not being officers of the Secretary of State, authorised for those purposes by the Secretary of State (in this section referred to as "authorised examiners"), by inspectors appointed by the Secretary of State, or by inspectors appointed by any council designated by the Secretary of State for the purposes of this section, being the council of a county, of a borough, of an urban district or of a large burgh (within the meaning of the Local Government (Scotland) Act 1947), the Greater London Council, or the Common Council of the City of London.
 - (4) Where a test certificate is refused, the examiner or inspector shall issue a notification of the refusal stating the grounds thereof, and a person aggrieved by the refusal or the grounds thereof may appeal to the Secretary of State; and on any such appeal the

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Secretary of State shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid.

- (5) For the purposes of their functions under this section the Secretary of State or a council designated for the purposes of this section may provide and maintain—
- (a) stations where examinations under this section may be carried out, and
 - (b) apparatus for carrying out such examinations.
- (6) The Secretary of State may make regulations for the purpose of giving effect to the foregoing provisions of this section and for prescribing anything authorised by this section to be prescribed, and in particular as to—
- (a) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations;
 - (b) the manner in which, conditions under which and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;
 - (c) the manner in which applications may be made for the examination of vehicles under this section, the manner in which and time within which appeals may be brought under subsection (4) above, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or part of the 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 decision appealed against;
 - (d) the form of, and particulars to be contained in, test certificates and notifications of the refusal thereof, and the supply by the Secretary of State of forms for such certificates and notifications and the charges to be made for the supply thereof;
 - (e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue thereof;
 - (f) the issue of copies of test certificates and the fee to be paid for the issue thereof;
 - (g) the keeping by designated councils and authorised examiners of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed;
 - (h) the keeping of records by designated councils and authorised examiners and the furnishing by them of returns and information to the Secretary of State ;
- and regulations under this section may make different provision in relation to different cases or classes of cases.