



# Transport Act 1982

## 1982 CHAPTER 49

### PART II

#### TESTING, MARKING AND APPROVAL OF VEHICLES

##### *Provision for private-sector plating and testing*

#### **10 Provisions supplementary to section 8**

- (1) To the extent that the terms of his authorisation so provide an authorised inspector shall have the duty to refuse any certificate or impose or remove any prohibition which he has power to refuse or (as the case may be) to impose or remove.
- (2) In section 43 of the 1972 Act (tests of satisfactory condition of vehicles other than goods vehicles to which section 45 applies)—
  - (a) in subsection (3) (persons who may carry out examinations under that section), after the words "' authorised examiners')" there shall be inserted the words " by any authorised inspector ";
  - (b) in subsection (6)(g) (keeping of registers of test certificates), after the words " authorised examiners " there shall be inserted the words " and, in the case of examinations carried out by authorised inspectors, by approved testing authorities " ; and
  - (c) in subsection (6)(h) (keeping of records), for the words " and authorised examiners " there shall be substituted the words " authorised examiners and approved testing authorities " .
- (3) The words " or an authorised inspector" shall be inserted in each of the enactments mentioned below in this subsection, at the place indicated in relation to that enactment, that is to say—
  - (a) in section 45(6)(b) of the 1972 Act, after the words " a goods vehicle examiner " ;
  - (b) in section 50(1)(a) of that Act, after the words " a goods vehicle examiner or a public service vehicle examiner" ;

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- (c) in section 57 of that Act, after the words " a goods vehicle examiner " wherever occurring, except in subsections (7) and (7A);
- (d) in section 6(1)(a) of the 1981 Act, after the words " a certifying officer ";
- (e) in section 9 of that Act, after the words " public service vehicle examiner " where they occur in subsections (1), (7) and (8);
- (f) in section 10(2) of that Act, after the words " the certifying officer " ; and
- (g) in section 20(6) of that Act, after the words " public service vehicle examiner " ;

and the words " or authorised inspector " shall be inserted after the word " examiner " wherever occurring (otherwise than in the expression " goods vehicle examiner " or " public service vehicle examiner ") in section 57 of the 1972 Act and in section 9 of the 1981 Act.

- (4) In sections 1 and 2 of the Road Traffic (Foreign Vehicles) Act 1972—
  - (a) the words " or an authorised inspector " shall be inserted after the words " an examiner " (in each place where they appear); and
  - (b) the words " or authorised inspector " shall be inserted after the words " the examiner " or " any examiner " (in each place where they appear).
- (5) In section 50(6) of the 1981 Act (which provides for an appeal to the Secretary of State against the refusal of a certifying officer to issue a certificate of initial fitness or a certificate of conformity to type), after the words " a certifying officer " there shall be inserted the words " or an authorised inspector ".
- (6) In section 56(2) of the 1972 Act (powers of entry and inspection), the following words shall be inserted at the end—
 

“and an authorised inspector may exercise the powers given by paragraph (a) above in relation to any vehicle brought to the place of inspection in pursuance of a direction under subsection (4) below”.
- (7) The words " or the prescribed testing authority " shall be inserted after the words " the Secretary of State " —
  - (a) in section 45(6)(a)(ii) and (d) of the 1972 Act (requirements with respect to the notification of alterations of goods vehicles to the Secretary of State and the specification of alterations required to be so notified in plating certificates);
  - (b) in section 46(3) of that Act (offence to use vehicle where alteration not notified as required by regulations under section 45); and
  - (c) in section 51(3) of that Act (offence to use vehicle where alteration not notified as required by regulations or directions under section 48);

and after those words (in the second place where they occur) in each of subsections (2), (3) and (4) of section 48 of that Act (requirements and directions with respect to the notification of alterations relevant to type approval or plated weights).
- (8) In section 6 of the 1981 Act (certificates of initial fitness required for use as public service vehicles), the following subsection shall be inserted after subsection (1)—
 

“(1A) Without prejudice to the powers of the Secretary of State under section 7 of this Act in relation to the exercise by certifying officers of their functions, regulations may make provision with respect to the examination of vehicles for the purposes of subsection (1)(d) above by or under the direction of authorised inspectors and the issue or refusal of certificates of initial fitness by such inspectors on any such examinations.”.

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(9) In section 20 of that Act (duty of PSV operator to give information about his public service vehicles to traffic commissioners who granted his licence)—

- (a) for the words " to the traffic commissioners who granted the licence" in both subsections (1) and (2) (which relate respectively to failure or damage affecting safety and to structural alterations of vehicles) there shall be substituted the words " in accordance with regulations made by virtue of subsection (2A) below "; and
- (b) the following subsection shall be inserted after subsection (2)—

“(2A) Regulations may make provision—

- (a) for any report or notice required under subsection (1) or (2) above to be made or given to the Secretary of State or to the prescribed testing authority;
- (b) for requiring a public service vehicle to be submitted for examination in the event of any such failure or damage as is mentioned in subsection (1) above or any such alteration as is mentioned in subsection (2) above; and
- (c) for the examinations to be carried out under the regulations and, in particular, for authorising any such examination to be carried out by or under the direction of a public service vehicle examiner or an authorised inspector.”.

(10) References in any regulations made under any enactment relating to any of the testing and surveillance functions before this section comes into operation to a certifying officer or a public service vehicle examiner (within the meaning of the 1981 Act) or to a goods vehicle examiner shall be read as including an authorised inspector authorised to exercise the function in question.

(11) Subject to the qualification mentioned below, regulations made under—

- (a) section 43, section 45 or section 50 of the 1972 Act; or
- (b) section 6(1A), 10(4) or 20(2A) of the 1981 Act;

may include provision for the purpose of securing that private-sector examinations are properly carried out in accordance with the regulations, including (but without prejudice to the generality of the preceding provision) provision for the supervision or review of private-sector examinations by persons authorised for the purpose by or under the regulations.

No person other than an officer of the Secretary of State may be authorised by or under regulations so made to supervise or review an examination carried out in the course of a vehicle testing business carried on by a person other than his own employer.

In this subsection "private-sector examination" means, in relation to an examination under regulations so made, an examination carried out by or under the direction of an authorised inspector.

(12) Without prejudice to any existing power of the Secretary of State to determine the premises at which examinations under section 43 or 45 of the 1972 Act may be carried out—

- (a) the Secretary of State may designate premises as stations where examinations of vehicles of any description subject to examination under either of those sections may be carried out; and

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- (b) regulations under either of those sections may require or authorise examinations of vehicles of any description specified in the regulations to be carried out at premises for the time being designated under this section as premises at which examinations of vehicles of that description may be carried out.