



Transport Act 1982

1982 CHAPTER 49

PART II

TESTING, MARKING AND APPROVAL OF VEHICLES

Miscellaneous and supplemental

17 Determination of plated weights by prescribed testing authority for vehicles subject to type approval

- (1) In section 47 of the 1972 Act (type approval)—
- (a) in subsections (6), (7)(b) and (10)(a), after the words " the Secretary of State " there shall be inserted the words " or the prescribed testing authority "; and
 - (b) in subsection (6), for the word " he " there shall be substituted the words " the Secretary of State or that authority ".
- (2) The following section shall be substituted for section 49 of the 1972 Act (appeals)—

“49 Appeals.

- (1) A person aggrieved by a determination made on behalf of the Secretary of State with respect to a type approval certificate, a certificate of conformity or Minister's approval certificate under section 47 or 48 of this Act, including any determination with respect to design weights or plated weights, may appeal to the Secretary of State.
- (2) A person aggrieved by a determination made by the prescribed testing authority with respect to the plated weights for any goods vehicle may appeal to the Secretary of State.
- (3) Any appeal under this section must be made within the prescribed time and in the prescribed manner; and on any such appeal the Secretary of State shall have—

Status: This is the original version (as it was originally enacted).

- (a) in a case within subsection (1) above, the like powers and duties as he has on an original application for a type approval or Minister's approval certificate or in respect of the plated weights to be included in a certificate of conformity; and
 - (b) in a case within subsection (2) above, the like powers and duties as he would have had if the application in respect of the plated weights for the goods vehicle concerned had been made to him.
 - (4) The Secretary of State may hold an inquiry in connection with any appeal under this section and may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.”.
 - (3) In section 49A(2) of the 1972 Act (exclusion of application to vehicle parts of provisions relating solely to goods vehicles or design weights), the following shall be inserted after paragraph (b)—
 - “and
 - (c) in section 49, subsection (2)”.
 - (4) In section 50 of that Act (regulations for the purposes of sections 47 to 49A and supplementary provisions), the following subsection shall be inserted after subsection (D)—
 - “(1A) Without prejudice to the generality of subsection (1) above, regulations made under this section for the purposes of sections 47 to 49A of this Act may provide—
 - (a) for the fees to be payable on any application for a determination by the prescribed testing authority of any plated weights for a goods vehicle; and
 - (b) for the issue by the prescribed testing authority of plates for marking on goods vehicles any plated weights, whether determined by that authority or not (including in particular the issue of such plates on behalf of the Secretary of State for the purposes of section 47(8)) and for the fees to be payable to that authority for the issue of any such plates.”;
- and in subsection (4)(a) of that section, for the words "subsection (1) above" there shall be substituted the words this section ”.