



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

VALID FROM 01/07/1992

#### *[<sup>F1</sup>Using vehicle in dangerous condition*

##### Textual Amendments

- F1** S. 40A and cross heading inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 8\(1\)](#); [S.I. 1992/1286, art. 2](#), Sch.

#### **<sup>F2</sup>40A Using vehicle in dangerous condition etc.**

A person is guilty of an offence if he uses, or causes or permits another to use, a motor vehicle or trailer on a road when—

- (a) the condition of the motor vehicle or trailer, or of its accessories or equipment, or
- (b) the purpose for which it is used, or
- (c) the number of passengers carried by it, or the manner in which they are carried, or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person.]

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#### **Textual Amendments**

**F2** S. 40A inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s. 8(1)**; [S.I. 1992/1286](#), **art. 2**, Sch.

#### **Modifications etc. (not altering text)**

**C1** S. 40A restricted (1.7.1992) by [S.I. 1992/1217](#), **regs.7,9** (with reg. 11).

### *General regulation of construction, use etc.*

#### **41 Regulation of construction, weight, equipment and use of vehicles.**

- (1) The Secretary of State may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used.

Subsections (2) to (4) below do not affect the generality of this subsection.

- (2) In particular, the regulations may make provision with respect to any of the following matters—
- (a) the width, height and length of motor vehicles and trailers and the load carried by them, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers,
  - (b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit,
  - (c) noise,
  - (d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area of the road by a motor vehicle or trailer of any class or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested,
  - (e) the particulars to be marked on motor vehicles and trailers,
  - (f) the towing of or drawing of vehicles by motor vehicles,
  - (g) the number and nature of brakes, and for securing that brakes, silencers and steering gear are efficient and kept in proper working order,
  - (h) lighting equipment and reflectors,
  - (j) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are (if the owner of the premises consents),
  - (k) the appliances to be fitted for—
    - (i) signalling the approach of a motor vehicle, or
    - (ii) enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or
    - (iii) intimating any intended change of speed or direction of a motor vehicle,
 and the use of any such appliance, and for securing that any such appliance is efficient and kept in proper working order,

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- (l) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations.
- (3) The Secretary of State may, as respects goods vehicles, make regulations under this section—
- (a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles,
  - (b) providing for the marking on such vehicles of weights of any description or other particulars by means of plates (of any material) fixed to them,
  - (c) providing for the circumstances in which any particulars which are to be marked on such vehicles are to be so marked,
  - (d) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under section 49 of this Act.
- (4) Regulations under this section with respect to lighting equipment and reflectors—
- (a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations, and
  - (b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled.
- (5) Different regulations may be made under this section as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.
- (6) In framing regulations under this section prescribing a weight of any description which is not to be exceeded in the case of goods vehicles of a class for which a certificate of conformity or Minister’s approval certificate may be issued under section 57 or 58 of this Act the Secretary of State must have regard to the design weight of the like description determined by virtue of section 54 of this Act for vehicles of that class and must secure that the first-mentioned weight does not exceed the design weight.
- (7) In this Part of this Act—
- “construction and use requirements” means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under this section,
  - “plated particulars” means such particulars as are required to be marked on a goods vehicle in pursuance of regulations under this section by means of a plate,
  - “plated weights” means such weights as are required to be so marked.

VALID FROM 01/07/1992

**[<sup>F3</sup>41A Breach of requirement as to brakes, steering-gear or tyres.**

A person who—

- (a) contravenes or fails to comply with a construction and use requirement as to brakes, steering-gear or tyres, or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

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is guilty of an offence.]

#### Textual Amendments

**F3** Ss. 41A, 41B, 42 substituted (1.7.1992) for s. 42 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s. 8(2)**; [S.I. 1992/1286](#), **art. 2**, Sch.

VALID FROM 01/07/1992

#### [<sup>F4</sup>41B Breach of requirement as to weight: goods and passenger vehicles.

- (1) A person who—
- (a) contravenes or fails to comply with a construction and use requirement as to any description of weight applicable to—
    - (i) a goods vehicle, or
    - (ii) a motor vehicle or trailer adapted to carry more than eight passengers, or
  - (b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used,
- is guilty of an offence.
- (2) In any proceedings for an offence under this section in which there is alleged a contravention of or failure to comply with a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—
- (a) that at the time when the vehicle was being used on the road—
    - (i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or
    - (ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road, or
  - (b) in a case where the limit of that weight was not exceeded by more than 5 per cent.—
    - (i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and
    - (ii) that since that time no person has made any addition to the load.]

#### Textual Amendments

**F4** Ss. 41A, 41B, 42 substituted (1.7.1992) for s. 42 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s. 8(2)**; [S.I. 1992/1286](#), **art. 2**, Sch.

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PROSPECTIVE

**[<sup>F5</sup>41C Breach of requirement as to speed assessment equipment detection devices**

A person who—

- (a) contravenes or fails to comply with a construction or use requirement as to speed assessment equipment detection devices, or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.]

**Textual Amendments**

**F5** S. 41C inserted (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 18(2)**, 61

**Modifications etc. (not altering text)**

**C2** S. 41C excluded (17.4.2019) by [The Motor Sport on Public Roads \(Scotland\) Regulations 2019 \(S.S.I. 2019/138\)](#), regs. 1, 6, **sch. 2**

VALID FROM 27/02/2007

**[<sup>F6</sup>41D Breach of requirements as to control of vehicle, mobile telephones etc.**

A person who contravenes or fails to comply with a construction and use requirement—

- (a) as to not driving a motor vehicle in a position which does not give proper control or a full view of the road and traffic ahead, or not causing or permitting the driving of a motor vehicle by another person in such a position, or
- (b) as to not driving or supervising the driving of a motor vehicle while using a hand-held mobile telephone or other hand-held interactive communication device, or not causing or permitting the driving of a motor vehicle by another person using such a telephone or other device,

is guilty of an offence.]

**Textual Amendments**

**F6** S. 41D inserted (27.2.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 26(1)**, 61; [S.I. 2007/237](#), **art. 2(a)**

**42 Offence where regulations are contravened, etc.**

- (1) Subject to subsection (2) below and sections 43 and 44 of this Act, a person who—
- (a) contravenes or fails to comply with any regulations under section 41 of this Act, or
  - (b) uses on a road a motor vehicle or trailer which does not comply with any such regulations or causes or permits a vehicle to be so used,

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is guilty of an offence.

- (2) In any proceedings for an offence under subsection (1) above in which there is alleged a contravention of or failure to comply with a construction and use requirement relating to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—
- (a) that at the time when the vehicle was being used on the road—
    - (i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or
    - (ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road, or
  - (b) in a case where the limit of that weight was not exceeded by more than 5 per cent.—
    - (i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and
    - (ii) that since that time no person has made any addition to the load.

#### **43 Temporary exemption from application of regulations under section 41.**

- (1) Subject to subsections (2) to (4) below, where any regulations under section 41 of this Act contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting from those provisions for such period, not being less than five years, as may be specified in the regulations any vehicle of that class registered under the <sup>M1</sup>Vehicles (Excise) Act 1971 before the expiration of one year from the making of the regulations.
- (2) No such provision contained in regulations under section 41 as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of subsection (1) above or of any other provision of the regulations, to be one relating to the construction of vehicles.
- (3) Where regulations under section 41 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Secretary of State is satisfied—
- (a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations, and
  - (b) that no undue hardship or inconvenience will be caused by their application then to those vehicles,
- then, if the regulations state that the Secretary of State is so satisfied, subsection (1) above shall not apply in relation to those provisions.
- (4) Subsection (1) above shall not apply in relation to—
- (a) regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight, or
  - (b) regulations made by virtue of section 41(3) of this Act.

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#### Marginal Citations

M1 1971 c. 10.

#### 44 Authorisation of use on roads of special vehicles not complying with regulations under section 41.

- (1) The Secretary of State may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads—
  - (a) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials,
  - (b) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom,
  - (c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment, and
  - (d) of vehicles or trailers carrying loads of exceptional dimensions,and nothing in sections 41 and 42 of this Act shall prevent the use of such vehicles, trailers, or types in accordance with the order.
- (2) The Secretary of State may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under section 41 of this Act shall have effect in their application to such vehicles, trailers and types of vehicles and trailers as are mentioned in subsection (1) above subject to such modifications or exceptions as may be specified in the order.
- (3) The powers conferred by this section on the Secretary of State to make orders shall be exercisable by statutory instrument except in the case of orders applying only to specified vehicles or to vehicles of specified persons, but in that excepted case (as in others) the order may be varied or revoked by subsequent order of the Secretary of State.

*Tests of vehicles other than goods vehicles to which section 49 applies*

#### 45 Tests of satisfactory condition of vehicles.

- (1) This section applies to motor vehicles other than goods vehicles which are required by regulations under section 49 of this Act to be submitted for a vehicle test under that section and has effect 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—
  - (a) for the examination of vehicles submitted for examination under this section, and
  - (b) for the issue, where it is found on such an examination that the requirements mentioned in subsection (1) above are complied with, of a certificate (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—

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- (a) persons, not being officers of the Secretary of State, authorised for those purposes by the Secretary of State (in this section and section 46 of this Act referred to as “authorised examiners”),
  - (b) inspectors appointed by the Secretary of State, or
  - (c) inspectors appointed by any council designated by the Secretary of State for the purposes of this section and section 46 of this Act, being the council of a county, district or London borough or the Common Council of the City of London or the council of a region or islands area.
- (4) Where a test certificate is refused, the examiner or inspector must issue a notification of the refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Secretary of State.
- (5) On any such appeal the Secretary of State must cause a further examination to be made and either issue a test certificate or issue a notification of the refusal stating the grounds of the refusal.
- (6) 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.
- (7) The Secretary of State may make regulations under this section for the purpose of giving effect to this section and for prescribing anything authorised by this section and section 46 of this Act to be prescribed.
- (8) 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 statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment included a reference to the 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. 45](#) (with ss. 46 and 47(5)): power exercised by [S.I. 1991/253](#)

[S. 45](#) (with s. 46): power exercised by [S.I. 1991/455](#)

For previous exercises of power under s. 45 see Index to Government Orders

## **46 Particular aspects of regulations under section 45.**

Regulations under section 45 of this Act may, in particular, make provision 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 section 45 of this Act, the manner in which and time within which appeals may be brought under subsection (4) of that section, the information



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- 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 of test certificates, and the supply by the Secretary of State of forms for such certificates and notifications and the charges to be made for the supply of such forms,
  - (e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue of such duplicates,
  - (f) the issue of copies of test certificates and the fees to be paid for the issue of such copies,
  - (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 providing by them of returns and information to the Secretary of State,
- and regulations under that section may make different provision in relation to different cases or classes of cases.

#### Subordinate Legislation Made

**P2** S. 46: s. 45(with ss. 46 and 47(5)) : power exercised by S.I 1991/253

S. 46: s. 45 (with s. 46) : power exercised by S.I1991/455

For previous exercises of power under s. 46 see Index to Government Orders

VALID FROM 01/06/2001

#### **[<sup>F7</sup>46A Use of records of 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 45(6B) 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 <sup>M2</sup>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 47 of this Act.

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(4) This section does not limit any powers of the Secretary of State apart from this section.]

#### Textual Amendments

**F7** S. 46A inserted (1.6.2001) by 1999 c. 12, s. 3; S.I. 2001/1896, art. 2(2)

#### Marginal Citations

**M2** 1994 c.22.

VALID FROM 01/06/2001

### **[<sup>F8</sup>46B Evidence from records of vehicle examinations.**

- (1) A statement to which this section applies is admissible in any proceedings as evidence (or, in Scotland, sufficient evidence) of any fact stated in it with respect to—
  - (a) the issue of a test certificate in respect of a vehicle, and
  - (b) the date of issue of such a certificate,
 to the same extent as oral evidence of that fact is admissible in the proceedings.
- (2) This section applies to a statement contained in a document purporting to be—
  - (a) a part of the records maintained under section 45(6B) of this Act,
  - (b) a copy of a document forming part of those records, or
  - (c) a note of any information contained in those records,
 and to be authenticated by a person authorised to do so by the Secretary of State.
- (3) In this section as it has effect in England and Wales—
 

“document” means anything in which information of any description is recorded;

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and

“statement” means any representation of fact, however made.
- (4) In this section as it has effect in Scotland, “document” and “statement” have the same meanings as in section 17(3) of the <sup>M3</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act.
- (5) Nothing in subsection (4) above limits to civil proceedings the reference to proceedings in subsection (1) above.]

#### Textual Amendments

**F8** S. 46B inserted (11.4.2003) by 1999 c. 12, ss. 4, 9(2); S.I. 2003/1095, art. 2

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### Marginal Citations

M3 1968 c.70.

## 47 Obligatory test certificates.

- (1) A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before that time, is guilty of an offence.

In this section and section 48 of this Act, the “appropriate period” means a period of twelve months or such shorter period as may be prescribed.

- (2) Subject to subsections (3) and (5) below, the motor vehicles to which this section applies at any time are—
- (a) those first registered under the <sup>M4</sup>Vehicles (Excise) Act 1971, the <sup>M5</sup>Vehicles (Excise) Act 1962, the <sup>M6</sup>Vehicles (Excise) Act 1949 or the <sup>M7</sup>Roads Act 1920, not less than three years before that time, and
  - (b) those which, having a date of manufacture not less than three years before that time, have been used on roads (whether in Great Britain or elsewhere) before being registered under the Vehicles (Excise) Act 1971 or the Vehicles (Excise) Act 1962,

being, in either case, motor vehicles other than goods vehicles which are required by regulations under section 49 of this Act to be submitted for a goods vehicle test.

- (3) As respects a vehicle being—
- (a) a motor vehicle used for the carriage of passengers and with more than eight seats, excluding the driver’s seat, or
  - (b) a taxi (as defined in section 64 (3) of the <sup>M8</sup>Transport Act 1980), being a vehicle licensed to ply for hire, or
  - (c) an ambulance, that is to say, a motor vehicle which is constructed or adapted, and primarily used, for the carriage of persons to a place where they will receive, or from a place where they have received, medical or dental treatment, and which, by reason of design, marking or equipment is readily identifiable as a vehicle so constructed or adapted,

subsection (2)(a) above shall have effect as if for the period there mentioned there were substituted a period of one year.

- (4) For the purposes of subsection (2)(b) above, there shall be disregarded the use of a vehicle before it is sold or supplied by retail.
- (5) This section does not apply to vehicles of such classes as may be prescribed.
- (6) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles for such purposes as may be prescribed.
- (7) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles in any such area as may be prescribed.
- (8) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in that excepted case shall be taken to be the last day of the year during which the modifications are completed.

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- (9) The Secretary of State may by order made by statutory instrument direct that subsection (2) above shall have effect with the substitution, for three years (in both places), of such other period (not being more than ten years) as may be specified in the order.

An order under this subsection shall not have effect unless approved by resolution of each House of Parliament.

#### Subordinate Legislation Made

**P3** S. 47 for exercises of power see Index to Government Orders.

**P4** S. 45 (with ss. 46 and 47(5)) power exercised by S.I. 1991/253.

#### Marginal Citations

**M4** 1971 c. 10.

**M5** 1962 c. 13.

**M6** 1949 c. 89.

**M7** 1920 c. 72.

**M8** 1980 c. 34.

## 48 Supplementary provisions about test certificates.

- (1) For the purpose of spreading the work of issuing certificates in contemplation of a change in—
- (a) the length of the appropriate period, or
  - (b) the length of the period specified in section 47(2)(a) and (b) of this Act,
- (and whether for the purposes of that section or section 66 of this Act), the order or, as the case may be, regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under any of the enactments mentioned in section 47(2) of this Act at different times.
- (2) Where—
- (a) within the appropriate period after a test certificate is issued or treated for the purposes of section 47 of this Act as issued, but
  - (b) not earlier than one month before the end of that period,
- a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of that section as if issued at the end of the appropriate period.
- (3) Where the particulars contained in a test certificate in accordance with regulations made under section 45 of this Act include a date of expiry falling later, but not more than one month later, than the end of the appropriate period after the date on which it is issued—
- (a) the certificate shall be deemed to have been issued in respect of the same vehicle as an earlier test certificate, and
  - (b) the date on which it was issued shall be deemed to have been a date falling within the last month of the appropriate period after the date on which that earlier certificate was issued or treated for the purposes of section 47 of this Act as issued;

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and any date of expiry contained in a test certificate shall be deemed to have been entered in accordance with regulations under section 45 of this Act unless the contrary is proved.

- (4) The Secretary of State may by regulations make provision for the issue, in such circumstances as may be prescribed, of a certificate of temporary exemption in respect of a public service vehicle adapted to carry more than eight passengers, exempting that vehicle from the provisions of section 47(1) of this Act for such period as may be specified in the certificate.
- (5) In relation to any public service vehicle so adapted—
  - (a) subsections (2) and (3) above shall have effect as if for “one month” (in both places) there were substituted “two months”, and
  - (b) subsection (3) above shall have effect as if for “last month” there were substituted “last two months”.
- (6) In subsections (4) and (5) above “public service vehicle” has the same meaning as in the <sup>M9</sup>Public Passenger Vehicles Act 1981.

#### Marginal Citations

M9 1981 c. 14.

### *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,or for both 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, of a certificate (in 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—

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- (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 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**

- P5** [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.

PROSPECTIVE

#### **[<sup>F9</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—

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- (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

**F9** 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 <sup>[F10]</sup> to an area mechanical engineer appointed by the Secretary of State to act for the traffic area in which the original examination was made.
- (2) On the appeal the area mechanical engineer must cause the vehicle to be re-examined and make such determination in the matter as he thinks fit<sup>[F10]</sup> to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be re-examined by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the re-examination as he thinks fit].
- <sup>[F11]</sup>(3) A person aggrieved by the determination of an area mechanical engineer under subsection (2) above may appeal to the Secretary of State.]
- <sup>[F11]</sup>(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

- F10** Words commencing “to the Secretary of State” substituted (*prosp.*) for words commencing “to an area” and subsection (2) by [Transport Act 1982 \(c. 49, SIF 107:1\)](#), **ss. 21(2)(a)**, 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. 10(b)**)
- F11** S. 50(3)(4) repealed (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 107:1\)](#), **ss. 21(2)(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. 10(b)**)

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## **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 goods 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,
  - (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,



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- (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

- P6** 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.

### 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,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,

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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>F12</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**

**F12** 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)**)

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

#### **54 Type approval requirements.**

- (1) Without prejudice to section 41 of this Act, the Secretary of State may by regulations prescribe requirements (in this Part of this Act referred to as “type approval requirements”)—
- (a) with respect to the design, construction, equipment and marking of vehicles of any class, being requirements which are applicable before, whether or not they are applicable after, vehicles of that class are used on a road,
  - (b) with respect to the design, construction, equipment and marking of vehicle parts of any class, being requirements which are applicable before, whether or not they are applicable after, vehicle parts of that class are fitted to a vehicle used on a road.
- (2) Regulations under this section may provide for the determination, according to criteria or by methods prescribed by or determined under the regulations, of weights of any description which in the opinion of the Secretary of State should not be exceeded in the case of vehicles of any class.
- (3) In this Part of this Act references to design weights shall be construed as references to weights determined by virtue of subsection (2) above.
- (4) Subject to subsection (5) below, the following provisions of this Act to the end of section 60 apply in relation to parts of vehicles as they apply in relation to vehicles and, accordingly, any reference in those provisions to a vehicle, other than a reference to a goods vehicle, is to be read as including a reference to a vehicle part.

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- (5) Any provision which relates solely to goods vehicles or design weights does not apply in relation to parts of vehicles, but particular exclusions in those provisions do not affect the generality of this exclusion.
- (6) In this Part of this Act, “the relevant aspects of design, construction, equipment and marking”, in relation to any vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements or which were used as criteria in determining design weights for that vehicle.

#### **Subordinate Legislation Made**

- P7** S. 54: for previous exercises of power see Index to Government Orders
- P8** S. 54(1): s. 54(1)(with s. 61) power exercised (16.4.1991) by [S.I. 1991/1021](#)  
S. 54(1): s. 54(1)(with s. 61) power exercised (16.4.1991) by [S.I. 1991/1022](#) and (3.9.1991) by [S.I. 1991/1970](#) and 1991/1971

#### **Modifications etc. (not altering text)**

- C3** S. 54 modified (1.7.1997) by [S.I. 1996/3013](#), [regs. 4\(4\)](#), [6\(4\)](#)

## **55 Type approval certificates.**

- (1) Where the Secretary of State is satisfied on application made to him by the manufacturer of a vehicle of a class to which regulations under section 54 of this Act apply and after examination of the vehicle—
  - (a) that the vehicle complies with the relevant type approval requirements, and
  - (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,he may approve that vehicle as a type vehicle.
- (2) Where the Secretary of State approves a vehicle as a type vehicle he must issue a certificate (in this Part of this Act referred to as a “type approval certificate”) stating that the vehicle complies with the relevant type approval requirements and specifying—
  - (a) the permitted variations from the type vehicle, and
  - (b) the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.
- (3) In the following provisions of this section and in sections 56 to 59 of this Act “conform” means conform in all respects or with any permitted variation.
- (4) Subject to subsection (6) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle.
- (5) A further type approval certificate may be issued by virtue of subsection (4) above on the application of any person—
  - (a) who manufactures any part of the vehicle, or
  - (b) by whom the vehicle is finally assembled;

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and references in the following provisions of this section and in sections 56 to 59 of this Act to a manufacturer shall be construed accordingly.

- (6) The first type approval certificate issued for a type vehicle by virtue of subsection (4) above must specify the design weights for conforming vehicles, and accordingly—
  - (a) so much of subsection (2) above or section 57 (1) to (3) of this Act as requires the Secretary of State or a manufacturer to specify in any certificate under this or that section the design weights or plated weights for a vehicle or as requires the Secretary of State or a manufacturer to mark or secure the marking of the plated weights on a vehicle does not apply to a subsequent type approval certificate issued by virtue of subsection (4) above or to the certificates of conformity issued in consequence of such a type approval certificate, and
  - (b) so much of section 58 (2) of this Act as requires the Secretary of State to specify in any certificate issued by him the design weights and plated weights for a vehicle or to secure that the plated weights are marked on a vehicle does not apply to a Minister's approval certificate issued by virtue of subsection (4) above.
- (7) Subsection (6) above does not apply in relation to vehicle parts.
- (8) Where the Secretary of State determines on an application under this section not to issue a type approval certificate in respect of a vehicle, he must give to the applicant a written notification of the determination, stating the grounds on which it is based.

## **56 Conditions of, and cancellation or suspension of, type approval certificates.**

- (1) A type approval certificate may be issued subject to conditions with respect to—
  - (a) the inspection by officers of the Secretary of State of vehicles purporting to conform with the type vehicle in the relevant aspects of design, construction, equipment and marking and of parts of such vehicles and their equipment, and the entry of premises where they are manufactured, and
  - (b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such vehicles and the type vehicle which might affect the type approval requirements or the criteria for determining the design weights of those vehicles.
- (2) If—
  - (a) it appears to the Secretary of State that there has been a breach of a condition subject to which a type approval certificate has been granted, or
  - (b) the Secretary of State ceases to be satisfied as to any other matter relevant to a type approval certificate,he may cancel or suspend the certificate, but the cancellation or suspension shall not affect the validity of any certificate of conformity previously issued in consequence of the type approval certificate.
- (3) Where the Secretary of State cancels or suspends a certificate in pursuance of this section, he shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension.

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## 57 Certificates of conformity.

- (1) The manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (in this Part of this Act referred to as a “certificate of conformity”)—
  - (a) stating that it does so conform, and
  - (b) specifying the design weights for the vehicle,and must in the case of goods vehicles of such classes as may be prescribed specify in the certificate one or more of the plated weights for the vehicle.
- (2) Where a manufacturer issues a certificate of conformity for a goods vehicle, the Secretary of State <sup>F13</sup>or the prescribed testing authority] must—
  - (a) on an application made by any person containing such information as <sup>F14</sup>he] <sup>F14</sup>the Secretary of State or that authority] may require with respect to the proposed circumstances of operation of the goods vehicle, and
  - (b) on production of that certificate,specify in the certificate any plated weights for the goods vehicle not so specified by the manufacturer.
- (3) Where a manufacturer issues a certificate of conformity for a goods vehicle then—
  - (a) if he is required by subsection (1) above to specify any plated weights for the goods vehicle in the certificate, he must mark those weights on the goods vehicle by means of a plate fixed to it, and
  - (b) in any other case the Secretary of State <sup>F15</sup>or the prescribed testing authority] must on an application for the purpose secure that those weights are so marked.
- (4) Any certificate of conformity issued in consequence of any type approval certificate issued by virtue of section 55(4) of this Act shall relate only to the requirement or requirements to which that type approval certificate relates.
- (5) Subsections (2) and (3) above do not apply in relation to vehicle parts.

### Textual Amendments

- F13** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), ss. 17(1)(a), 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. 6(1)(b))
- F14** Words commencing “Secretary of State” substituted (*prosp.*) for “he” by Transport Act 1982 (c. 49, SIF 107:1), ss. 17(1)(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. 6(1)(c))
- F15** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), ss. 17(1)(a), 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. 6(1)(b))

## 58 Minister’s approval certificates.

- (1) Where the Secretary of State is satisfied, on application made to him by any person in respect of a vehicle of a class to which regulations under section 54 of this Act apply and after examination of the vehicle, that—

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- (a) the vehicle complies with the relevant type approval requirements, and
  - (b) in the case of a goods vehicle, the Secretary of State has sufficient information to enable the plated weights to be ascertained for the vehicle,

he may issue a certificate (in this Part of this Act referred to as a “Minister’s approval certificate”).
- (2) The certificate must state that the vehicle complies with those requirements and specify—
  - (a) its design weights, and
  - (b) in the case of a goods vehicle, its plated weights,

and, where the Secretary of State issues such a certificate in respect of a goods vehicle, he must secure that the plated weights are marked on the vehicle by means of a plate fixed to it.
- (3) Where by virtue of section 57(4) of this Act a certificate of conformity issued in respect of a vehicle relates to one or more, but not all, of the relevant type approval requirements, the Secretary of State may issue in respect of that vehicle a Minister’s approval certificate relating to one or more of the other relevant type approval requirements.
- (4) Where—
  - (a) a Minister’s approval certificate is given as respects a vehicle, and
  - (b) the Secretary of State is satisfied—
    - (i) on the application of the manufacturer of the vehicle or, in the case of an imported vehicle, the importer of the vehicle, and
    - (ii) after the consideration of such evidence as he thinks necessary,

that another vehicle manufactured by that manufacturer or, as the case may be, imported by that importer conforms with the first mentioned vehicle as respects the relevant aspects of design, construction, equipment and marking,

the Secretary of State may issue a Minister’s approval certificate in respect of that other vehicle without examining it.
- (5) Where the Secretary of State issues such a certificate by virtue of subsection (4) above, he must specify the plated weights which are to be marked on the other vehicle.
- (6) Subsection (4) above shall apply in relation to vehicles brought into Great Britain from Northern Ireland as it applies in relation to imported vehicles, and references in that subsection to the importer shall be construed accordingly.
- (7) Where the Secretary of State determines on an application under this section not to issue a Minister’s approval certificate in respect of a vehicle, he must give to the applicant a written notification of the determination, stating the grounds on which it is based.

## **59 Supplementary provisions as to certificates of conformity and Minister’s approval certificates.**

- (1) The Secretary of State may by regulations require that prescribed alterations—
  - (a) in any of the relevant aspects of design, construction, equipment or marking,
  - or
  - (b) in any such aspect which affects the plated weight,

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made to any vehicle for which a certificate of conformity or a Minister's approval certificate is issued shall, subject to any exemption granted under subsection (2) below, be notified to the Secretary of State.

- (2) The Secretary of State may by notice in writing given to the manufacturer of vehicles or to the owner of a vehicle for which a Minister's approval certificate is issued—
  - (a) direct that any specified alteration in any of the aspects mentioned in subsection (1) above to a vehicle to which the direction relates shall be notified to the Secretary of State,
  - (b) exempt a vehicle to which the notice relates from all or any of the requirements of regulations under subsection (1) above, subject to compliance with any conditions specified in the notice.
- (3) Without prejudice to the provisions of section 61 of this Act, the Secretary of State may by regulations require that a certificate of conformity or Minister's approval certificate issued for any vehicle shall specify—
  - (a) the regulations, if any, applicable to the vehicle under subsection (1) above at the time of the issue of the certificate,
  - (b) any additional alteration to that vehicle required by any direction under subsection (2) above to be notified to the Secretary of State, and
  - (c) any exemption applicable to that vehicle under that subsection.
- (4) A certificate of conformity or a Minister's approval certificate specifying any plated weights shall be treated for the purposes of the provisions of this Part of this Act and any regulations made under them relating to plating certificates (except section 50 (1) and (2) of this Act) as a plating certificate.

This subsection does not apply in relation to vehicle parts.

## **60 Appeals.**

- (1) A person aggrieved by the determination made on behalf of the Secretary of State with respect to a type approval certificate, a certificate of conformity or a Minister's approval certificate under sections 54 to 59 of this Act, including any determination with respect to design weights or plated weights, may within the prescribed time and in the prescribed manner appeal to the Secretary of State.
- (2) On the appeal the Secretary of State—
  - (a) shall have the like powers and duties as he has on an original application for a type approval or a Minister's approval certificate or in respect of the plated weights to be included in a certificate of conformity,
  - (b) may hold an inquiry in connection with it, and
  - (c) may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.

## **61 Regulations for the purposes of sections 54 to 60.**

- (1) The Secretary of State may make regulations for the purposes of sections 54 to 60 of this Act.
- (2) Without prejudice to the generality of subsection (1) above, such regulations—
  - (a) may provide for the examination of any vehicle in respect of which a certificate of conformity or a Minister's approval certificate is in force in the

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- event of an alteration being made to the vehicle which is notifiable by virtue of section 59(1) or (2) of this Act and, in particular, may empower a goods vehicle examiner or a public service vehicle examiner to require the vehicle to be examined at a testing station provided under section 52, 62 or 72 of this Act,
- (b) may authorise the cancellation, suspension or amendment of a certificate of conformity or a Minister's approval certificate on an examination of any vehicle in pursuance of regulations made by virtue of paragraph (a) above,
  - (c) shall give a right of appeal to any person aggrieved by a determination on any such examination and for that purpose may apply section 50(1) to (4)
  - (d) may contain the like provisions with respect to any such examination and any appeal brought by virtue of paragraph (c) above as may be contained in regulations made by virtue of paragraphs (b), (c), (g) and (h) of section 51(1) of this Act in relation to the examinations and appeals there mentioned,
  - (e) may require the payment of fees or other charges in connection with the provision by the Secretary of State of services or facilities or the issue by him of certificates and other documents,
  - (f) may provide—
    - (i) for the authorisation of persons to carry out examinations, in connection with the issue of type approval certificates, of vehicles or vehicle parts of such classes as may be specified in the regulations,
    - (ii) for the imposition of conditions to be complied with by persons so authorised, and
    - (iii) for the withdrawal of authorisations,
  - (g) may make provision as to the form of, and particulars to be contained in, certificates of conformity and provide for the supply by the Secretary of State of forms for such certificates,
  - (h) may provide for the issue of replacements for plates fixed to vehicles under sections 54 to 58 of this Act, certificates of conformity and Minister's approval certificates which have been lost or defaced and provide for the payment of a fee for their issue,
  - (j) may require persons empowered by sections 54 to 58 of this Act to issue certificates of conformity to keep records—
    - (i) of certificates of conformity issued by them, and
    - (ii) of the vehicles or vehicle parts in respect of which such certificates are issued,

and may authorise the inspection of such records by such persons and in such circumstances as may be prescribed, and
  - (k) may make different provisions for different cases.
- (3) Without prejudice to any regulations made by virtue of section 51(1)(c) of this Act, as applied by this section, the Secretary of State may give directions with respect to the manner in which examinations to which such regulations apply are to be carried out.
  - (4) Where regulations under this section impose the like requirement as may be imposed by regulations made by virtue of section 51(1)(c)(ii) of this Act, the regulations may provide that a person who contravenes or fails to comply with a requirement so imposed is guilty of an offence.
  - (5) In this section "public service vehicle examiner" means a person appointed as such an examiner under section 7(2) of the <sup>M10</sup>Public Passenger Vehicles Act 1981.



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#### Subordinate Legislation Made

- P9** S. 61: s. 54(1)(with s. 61) power exercised (16.4.1991) by [S.I. 1991/1021](#)  
S. 61: s. 54(1)(with s. 61) power exercised (16.4.1991) by [S.I. 1991/1022](#) and (3.9.1991) by [S.I.1991/1970](#) and 1991/1971  
S. 61: for previous exercises of power see Index to Government Orders
- P10** S. 61(1)(2): power exercised (4.6.1991) by [S.I. 1991/1318](#)

#### Marginal Citations

- M10** 1981 c. 14

## 62 Other supplementary provisions.

- (1) The Secretary of State may provide and maintain stations where examinations of vehicles under sections 54 to 61 of this Act or regulations under those sections may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (2) Where an agreement entered into between Her Majesty's Government and the Government of a country outside Great Britain provides for the recognition in Great Britain of arrangements under the law of that country with respect to the approval of the design, construction, equipment or marking of vehicles of any description manufactured in that country, the Secretary of State may make regulations—
  - (a) applying, with such adaptations and modifications as he thinks fit, all or any of the provisions of sections 54 to 60 of this Act and of regulations under section 61 of this Act, so far as relating to type approval certificates and certificates of conformity, to vehicles of that description manufactured in that country,
  - (b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Part of this Act prescribed by the regulations as a type approval certificate or as a certificate of conformity,
  - (c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any such certificate in the event of the agreement ceasing to be in force or being modified.
- (3) Except in the case of vehicles of such class as may be prescribed, in sections 57, 58 and 61 of this Act “goods vehicle” includes a vehicle which is a chassis for, or will otherwise form part of, a vehicle which when completed will be a goods vehicle.

## 63 Obligatory type approval certificates, certificates of conformity and Minister's approval certificates.

- (1) If—
  - (a) any person at any time on or after the day appointed by regulations made by the Secretary of State in relation to vehicles or vehicle parts of a prescribed class, being vehicles or vehicle parts to which type approval requirements prescribed by those regulations apply—
    - (i) uses on a road, or
    - (ii) causes or permits to be so used,

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a vehicle of that class or a vehicle to which is fitted a vehicle part of that class,  
 and

- (b) it does not appear from one or more certificates then in force under sections 54 to 58 of this Act that the vehicle or vehicle part complies with those requirements,

he is guilty of an offence.

Different days may be appointed under this subsection in relation to different classes of vehicles or vehicle parts.

- (2) If a plating certificate—

- (a) has been issued for a goods vehicle to which section 53(1) of this Act or subsection (1) above applies, but  
 (b) does not specify a maximum laden weight for the vehicle together with any trailer which may be drawn by it,

any person who on or after the relevant date within the meaning of section 53(1) of this Act or, as the case may be, the day appointed under subsection (1) above uses the vehicle on a road for drawing a trailer, or causes or permits it to be so used, is guilty of an offence.

- (3) Any person who—

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

when an alteration has been made to the vehicle or its equipment which is required by regulations or directions under section 59 of this Act to be, but has not been, notified to the Secretary of State [<sup>F16</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 regulations were not or, as the case may be, the alteration was not, specified in the relevant certificate of conformity or Minister's approval certificate in accordance with regulations under section 59(3) 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 vehicles for such purposes or in such an area as may be prescribed,  
 (b) except any class of goods vehicles from the provisions of subsection (2) above, and  
 (c) make provision for the issue in respect of a vehicle or vehicle part in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle or vehicle part from the provisions of subsection (1) above for such period as may be specified in the certificate.

#### Textual Amendments

**F16** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), ss. 10(7)(c), 76(2) (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, Sch. 2 Pt. 1 para. 4(4)(c)).

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VALID FROM 01/08/1996

**[<sup>F17</sup>63A Alteration of plated weights for goods vehicles without examination.**

- (1) The Secretary of State may by regulations make provision—
  - (a) for the determination, in such circumstances as may be prescribed, of the plated weights (or any of the plated weights) for goods vehicles of any prescribed class otherwise than on an examination under regulations made under section 49 or 61 of this Act; and
  - (b) for the amendment of any approval certificate in force in respect of a vehicle of any such class so as to specify the weights determined for that vehicle under the regulations in place of any weights superseded by those weights or the cancellation of any such certificate and the issue in place of it of a different certificate specifying the weights so determined in place of any weights so superseded.
- (2) Any person aggrieved by a determination of plated weights for a goods vehicle under regulations made under this section may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be examined by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.
- (3) Without prejudice to the generality of subsection (1) above, regulations under this section—
  - (a) may provide for the determination of any plated weights for a goods vehicle under the regulations to be made by the Secretary of State or by the prescribed testing authority;
  - (b) may contain the like provisions with respect to any appeal brought by virtue of subsection (2) above and any examination on any such appeal as may be contained in any regulations made by virtue of paragraphs (c), (g) and (h) of section 51(1) of this Act in relation to an appeal under section 50(1) and any examination on any such appeal;
  - (c) may specify the manner in which, and the time before or within which, applications may be made for the determination of plated weights of vehicles under the regulations, and the information to be supplied and documents to be produced on any such application;
  - (d) may make provision as to the fees to be paid on any such application;
  - (e) may provide for the issue of replacements for any plates fixed to a vehicle specifying weights superseded by weights specified in an approval certificate amended under the regulations or in any certificate issued under the regulations in place of an approval certificate, and for the payment of a fee for their issue; and
  - (f) may make different provision for different cases.
- (4) In this section “approval certificate” means a plating certificate and any certificate of conformity or Minister’s approval certificate specifying any plated weights.
- (5) Any certificate issued in respect of a goods vehicle under regulations made under this section in replacement of an approval certificate of any description mentioned in subsection (4) above—
  - (a) shall be in the form appropriate for an approval certificate of that description;

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- (b) shall be identical in content with the certificate it replaces, save for any alterations in the plated weights authorised by the regulations; and
- (c) shall be treated for the purposes of this Part of this Act (including this section) and any regulations made under any provision of this Part of this Act as if it were the same certificate as the certificate it replaces;
- and any plate so issued in replacement of a plate fixed to the vehicle under section 57 or 58 of this Act shall, when fixed to the vehicle, be treated as so fixed under that section.]

#### Textual Amendments

**F17** S. 63A inserted (1.8.1996) by [Transport Act 1982 \(c. 49, SIF 107:1\)](#), s. 18 (as amended (15.5.1989) by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 2 Pt. I para. 7](#)); [S.I. 1996/1943](#), [arts. 1\(2\)](#), 2

#### Modifications etc. (not altering text)

**C4** S. 63A(3)(a) modified (*temp.* from 1.8.1996) by [S.I. 1996/1943](#), [art. 3](#)

### 64 Using goods vehicle with unauthorised weights as well as authorised weights marked on it.

- (1) If there is fixed to a goods vehicle a plate containing plated weights of any description—
- (a) determined for that vehicle by virtue of sections 49 to 52 of this Act, or
  - (b) specified in a certificate for that vehicle under section 57(1) or (2) or 58(2) or (5) of this Act,

the vehicle shall not, while it is used on a road, be marked with any other weights, except other plated weights, other weights required or authorised to be marked on the vehicle by regulations under section 41 of this Act or weights so authorised for the purposes of this section by regulations made by the Secretary of State and marked in the prescribed manner.

- (2) In the event of a contravention of or failure to comply with this section the owner of the vehicle is guilty of an offence.

VALID FROM 01/01/1993

#### <sup>F18</sup>64A Failure to hold EC certificate of conformity for unregistered light passenger vehicle

- (1) Subject to subsections (2) to (5) below, if a person uses on a road a light passenger vehicle—
- (a) which has not been registered-
    - (i) under section 19 of the Vehicles (Excise) Act 1971, or
    - (ii) under the law of a member State other than the United Kingdom, and
  - (b) in respect of which no EC certificate of conformity has effect,
- he is guilty of an offence.

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- (2) A person shall not be convicted of an offence under this section in respect of the use of a vehicle if he proves—
  - (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
  - (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.
- (3) This section does not apply in relation to a vehicle in respect of which a Minister’s approval certificate issued under section 58(1) of this Act or a Department’s approval certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect.
- (4) This section does not apply to the use of a vehicle under a trade licence (within the meaning of the Vehicles (Excise) Act 1971) in accordance with regulations made under section 16(2) of that Act.
- (5) This section does not apply in relation to a vehicle brought temporarily into Great Britain by a person resident outside the United Kingdom.]

#### Textual Amendments

**F18** S. 64A inserted (1.1.1993 for specified purposes and otherwise 1.1.1996) by S.I. 1992/3107, regs. 1(2), 16, Sch. 2 para.2.

## 65 Vehicles and parts not to be sold without required certificate of conformity or Minister’s approval certificate.

- (1) If—
  - (a) any person at any time on or after the day appointed by regulations under section 63(1) of this Act supplies a vehicle or vehicle part of a class to which those regulations apply, and
  - (b) it does not appear from one or more certificates in force at that time under sections 54 to 58 of this Act that the vehicle or vehicle part complies with all the relevant type approval requirements prescribed by those regulations,he is guilty of an offence.
- (2) In this section references to supply include—
  - (a) sell,
  - (b) offer to sell or supply, and
  - (c) expose for sale.
- (3) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle or vehicle part if he proves—
  - (a) that it was supplied for export from Great Britain,
  - (b) that he had reasonable cause to believe that it would not be used on a road in Great Britain or, in the case of a vehicle part, that it would not be fitted to a vehicle used on a road in Great Britain or would not be so used or fitted until it had been certified under sections 54 to 58 of this Act, or

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- (c) that he had reasonable cause to believe that it would only be used for purposes or in any area prescribed by the Secretary of State under section 63(5) of this Act or, in the case of a goods vehicle, under section 53(5) of this Act.
- (4) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.

VALID FROM 01/01/1993

**[65A <sup>F19</sup> Light passenger vehicles not to be sold without EC certificate of conformity**

- (1) Subject to subsections (3) to (6) below, any person who supplies a light passenger vehicle—
  - (a) which has not been registered—
    - (i) under section 19 of the Vehicles (Excise) Act 1971, or
    - (ii) under the law of a member State other than the United Kingdom, and
  - (b) in respect of which no EC certificate of conformity has effect,
 is guilty of an offence.
- (2) In this section references to supply include—
  - (a) sell,
  - (b) offer to sell or supply, and
  - (c) expose for sale.
- (3) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle if he proves—
  - (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
  - (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.
- (4) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle if he proves—
  - (a) that it was supplied for export from the United Kingdom to a country which is not a member State, or
  - (b) that he had reasonable cause to believe—
    - (i) that it would not be used on a road in the United Kingdom or any other member State, or
    - (ii) that it would not be so used until an EC certificate of conformity had been issued in respect of it.
- (5) This section does not apply in relation to the supply of a vehicle—
  - (a) to the Crown for naval, military or air force purposes,
  - (b) for the purposes of the military forces of any country outside the United Kingdom,
  - (c) to any public authority in the United Kingdom or any other member State for the purposes of civil defence within the meaning of the Civil Defence Act 1948,

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- (d) to a police authority for police purposes, or
  - (e) to any public authority in a member State outside the United Kingdom which has responsibilities for maintaining public order.
- (6) This section does not apply in relation to a vehicle in respect of which a Minister's approval certificate issued under section 58(1) of this Act or a Department's approval certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect.
- (7) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.]

#### Textual Amendments

- F19** S. 65A inserted (1.1.1993 for specified purposes and otherwise 1.1.1996) by S.I. 1992/3107, regs. 1(2), 16, Sch. 2 para.3.

#### *Conditions for grant of excise licence*

### **66 Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions.**

- (1) The Secretary of State may by regulations provide that where—
- (a) application is made for a licence under the <sup>M11</sup>Vehicles (Excise) Act 1971 for a vehicle to which section 47 of this Act applies, and
  - (b) in the case of an application relating to a vehicle to which that section applies by virtue of subsection (2)(b) of that section, it appears from the application that the vehicle has been used on roads (whether in Great Britain or elsewhere) before the date of the application,
- the licence shall not be granted unless one of the following conditions is satisfied.
- (2) Those conditions are that—
- (a) there is produced such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) there is produced such a certificate or the Secretary of State is provided with a copy of it, or
  - (b) there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (6), or in an area prescribed under subsection (7), of section 47, or
  - (c) in the case of an application relating to a vehicle to which section 47 applies by virtue of subsection (2)(b) of that section, the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and the specified period from the date of manufacture has not expired.
- (3) The Secretary of State may by regulations provide that where application is made for a licence under the <sup>M12</sup>Vehicles (Excise) Act 1971 for a goods vehicle to which section 53(2) of this Act applies or for a vehicle of any class to which section 63(1) of this Act applies, the licence shall not be granted unless the requirements of subsection (4), subsection (5) or subsection (6) below are satisfied.
- (4) The requirements of this subsection are that—

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- (a) on any application, after the relevant date within the meaning of section 53(2), for a licence for a vehicle to which section 53(2) applies, there is produced evidence that an effective goods vehicle test certificate is in force for the vehicle,
  - (b) on the first application, after the day appointed by regulations made by virtue of section 63(1), for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under sections 54 to 58 of this Act from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations.
- (5) The requirements of this subsection are that there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose or in an area prescribed under paragraph (a) of section 53(5) or 63(5) of this Act.
- (6) The requirements of this subsection are that there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of paragraph (b) of section 53(5) or paragraph (c) of section 63(5) which exempts that vehicle from the provisions of section 53(2) or 63(1) of this Act, as the case may be, for a period which includes the date on which the licence is to come into force.
- (7) Regulations under subsection (3) above may be made so as to apply to such classes only of vehicles as may be specified in the regulations.
- (8) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in that excepted case shall be taken to be the last day of the year during which the modifications are completed.
- (9) In this section—
- “appropriate period” has the same meaning as in section 47 of this Act,
  - “effective goods vehicle test certificate” means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force,
  - “effective test certificate” means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date on which the licence is to come into force,
  - “specified period” means the period for the time being specified in section 47(2)(a) and (b) of this Act.

#### **Marginal Citations**

**M11** 1971 c. 10.

**M12** 1971 c. 10.



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VALID FROM 01/07/1992

*[<sup>F20</sup>Vehicle examiners]*

**Textual Amendments**

**F20** S. 66A and cross heading inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 9\(1\)](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

**[<sup>F21</sup>66A Appointment of examiners.**

- (1) The Secretary of State shall appoint such examiners as he considers necessary for the purpose of carrying out the functions conferred on them by this Part of this Act, the Public Passenger Vehicles Act 1981, the Transport Act 1968 and any other enactment.
- (2) An examiner appointed under this section shall act under the general directions of the Secretary of State.
- (3) In this Part of this Act “vehicle examiner” means an examiner appointed under this section.]

**Textual Amendments**

**F21** S. 66A inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.9\(1\)](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

**Modifications etc. (not altering text)**

**C5** S. 66A extended (1.7.1992) by [S.I. 1992/1286](#), [art.3](#).

*Testing vehicles on roads*

**67 Testing of condition of vehicles on roads.**

- (1) An authorised examiner may test a motor vehicle on a road for the purpose of—
  - (a) ascertaining whether the requirements imposed by law as to—
    - (i) brakes, silencers, steering gear and tyres,
    - (ii) the prevention or reduction of noise, smoke, fumes or vapour, and
    - (iii) lighting equipment and reflectors,are complied with as respects the vehicle, and
  - (b) bringing to the notice of the driver any failure to comply with those requirements.
- (2) The examiner may drive the vehicle for the purpose of testing it.
- (3) A vehicle shall not be required to stop for a test except by a constable in uniform.
- (4) The following persons may act as authorised examiners for the purposes of this section [<sup>F22</sup>and section 67A of this Act]—

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- (a) a certifying officer or public service vehicle examiner appointed under the <sup>M13</sup>Public Passenger Vehicles Act 1981,
  - (b) a person appointed as an examiner under section 68(1) of this Act,
  - (c) a person appointed to examine and inspect public carriages for the purposes of the <sup>M14</sup>Metropolitan Public Carriage Act 1869,
  - (d) a person appointed to act for the purposes of this section by the Secretary of State,
  - (e) a constable authorised so to act by or under instructions of the chief officer of police, and
  - (f) a person appointed by the police authority for a police area to act, under the directions of the chief officer of police, for the purposes of this section.
- (5) A person mentioned in subsection (4)(a) to (d) and (f) must produce his authority to act for the purposes of this section if required to do so.
- (6) On the examiner proceeding to test a vehicle under this section, the driver may, unless the test is required under subsection (7) or (8) below to be carried out forthwith, elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with Schedule 2 to this Act, and the provisions of that Schedule shall apply accordingly.
- (7) Where it appears to a constable that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out.
- (8) Where in the opinion of a constable the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, he may require the test to be carried out forthwith.
- (9) If a person obstructs an authorised examiner acting under this section, or fails to comply with a requirement of this section or Schedule 2 to this Act, he is guilty of an offence.
- (10) In this section and in Schedule 2 to this Act—
- (a) “test” includes “inspect” or “inspection”, as the case may require, and
  - (b) references to a vehicle include references to a trailer drawn by it.

#### Textual Amendments

**F22** Words inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 24**

#### Marginal Citations

**M13** 1981 c. 14.

**M14** 1869 c. 115.

### [<sup>F23</sup>67A Remedying defects discovered on roadside test.

- (1) Where on testing a motor vehicle under section 67 of this Act it appears to an authorised examiner that there is a defect in the vehicle by reason that the vehicle does

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- not comply with a construction and use requirement applicable to the vehicle, he may give a notice in writing to the person who is then the owner of the vehicle—
- (a) specifying the defect and the requirement in question, and
  - (b) requiring him to give to the Secretary of State within the permitted period a certificate complying with subsection (4) below or a declaration complying with subsection (5) below.
- (2) The powers conferred by subsection (1) above may be exercised whether or not the requirement is one mentioned in section 67(1) above and whether or not proceedings are instituted for a breach of the requirement.
- (3) On testing a motor vehicle under section 67 of this Act an authorised examiner may require the person in charge of the vehicle to state whether he is the owner of the vehicle and, if he is not the owner, the name and address of the owner.
- (4) A certificate under this section must contain—
- (a) a statement signed by the person to whom the notice under this section was given that he has taken steps to secure—
    - (i) that repairs for the purpose of remedying the defects specified in the notice have been carried out at a vehicle testing station, or
    - (ii) that the vehicle has been examined at such a station for the purpose of ascertaining whether any such repairs have been carried out, and
  - (b) a statement signed by a person having power to carry out examinations at such a station under section 67 of this Act—
    - (i) that the signatory has either carried out any such repairs or examined the vehicle for the purpose of ascertaining whether those repairs have been carried out, and
    - (ii) that in his opinion the vehicle complies with the construction and use requirement specified in the notice.
- (5) A declaration under this section—
- (a) must be signed by the person to whom the notice under this section was given, and
  - (b) must state that he has sold or disposed of his interest in the vehicle to which the notice relates or that he does not intend to use it any further on a road in Great Britain.
- (6) A person who, having been given a notice under this section, fails to give a certificate or declaration under this section within the permitted period to the Secretary of State is guilty of an offence.
- (7) A person who fails to comply with a requirement imposed on him by an authorised examiner under subsection (3) above is guilty of an offence.
- (8) The Secretary of State may by regulations make provision with respect to the examination of vehicles for the purpose of ascertaining whether any such repairs as are mentioned in subsection (4)(a) above have been carried out and with respect to the making of statements under subsection (4)(b) above and, in particular, any such regulations—
- (a) may prescribe the manner in which, conditions under which and apparatus with which such examinations are carried out and make provision with respect to the maintenance of that apparatus in an efficient state, and with

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- respect to the inspection of premises at which and apparatus with which such examinations are being, or are to be, carried out,
- (b) may prescribe the manner in which applications may be made for such examinations or for such statements,
  - (c) shall give a right of appeal to any person aggrieved by the refusal of a person mentioned in subsection (4)(b) above to sign a certificate under that paragraph and shall prescribe the manner in which and time within which appeals under the regulations may be brought,
  - (d) may prescribe the information to be supplied and documents to be produced on such an application, examination or appeal,
  - (e) may prescribe the fees to be paid on such an application or appeal, and the repayment of the whole or of part of the fee paid on such appeal where it appears to the Secretary of State that there were substantial grounds for appeal,
  - (f) may prescribe the form of notices, certificates and declarations under this section and of notices of appeal and other documents required for the purposes of this section, and
  - (g) may make different provision for different cases.
- (9) In this section “permitted period” means a period of twenty-eight days beginning with the date of the notice under this section or such longer period as the Secretary of State may, on the application of the owner of a motor vehicle, specify in writing.]

#### Textual Amendments

**F23** Ss. 67A, 67B inserted (prosp.) by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 4, 8(3)(c), [Sch. 2 Pt. III para. 25](#); which insertion was repealed (1.7.1992) by [1991 c. 40, s. 83, Sch. 8](#); S.I. 1992/1286, art. 2, [Sch. 2](#), Appendix

#### [<sup>F24</sup>67B Tests to check whether defects have been remedied.

- (1) Where a certificate has been given under section 67A of this Act with respect to a motor vehicle, the Secretary of State may, within the period of thirty days beginning with the date on which he receives the certificate, require the person who is the owner of the vehicle at the time of the requirement to make the vehicle available for a further test by an officer of the Secretary of State.
- (2) For that purpose the Secretary of State may request that person to specify—
  - (a) a period of seven days within which the examination is to take place, being a period falling within the period of thirty days beginning with the date of the requirement, disregarding any day in which the vehicle is outside Great Britain, and
  - (b) a place, or if that person thinks fit, a local government area, where the test may conveniently be carried out.

In this subsection “local government area” means, as respects England and Wales, a county district or Greater London and, as respects Scotland, a region or islands area.

- (3) Where a vehicle is made available under subsection (1) above for a further test, any officer of the Secretary of State may test and inspect it for the purpose of ascertaining whether any defect specified in the notice relating to it under section 67A of this Act has been remedied.

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- (4) Section 67A of this Act shall apply in relation to a test under this section as it applies in relation to a test under section 67 of this Act but as if references to an authorised examiner were references to an officer of the Secretary of State.
- (5) Paragraphs 3 and 4 of Schedule 2 to this Act shall apply in relation to a test under this section as they apply in relation to a deferred test, but subject to the following modifications—
  - (a) references to the preceding provisions of that Schedule shall be read as references to subsection (1) above,
  - (b) in those paragraphs “owner” shall have the meaning given by section 192 of this Act and not the meaning given by paragraph 5 of that Schedule, and
  - (c) the reference in paragraph 3 to premises shall be read as a reference to a place.
- (6) If a person obstructs an officer of the Secretary of State acting under this section, or fails to comply with a requirement of this section or of paragraphs 3 and 4 of Schedule 2 as applied by this section, he is guilty of an offence.
- (7) Any station or apparatus provided and maintained under section 45(6) of this Act by the Secretary of State or a council designated for the purpose of that section may be used by the Secretary of State or that council, as the case may be—
  - (a) for the carrying out of examinations for the purpose of ascertaining whether any such repairs as are mentioned in section 67A(4)(a) of this Act have been carried out, and
  - (b) for the carrying out of tests and inspections under this section.]

#### Textual Amendments

**F24** Ss. 67A, 67B inserted (prosp.) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 25**; which insertion was repealed (1.7.1992) by 1991 c. 40, s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch. 2**, Appendix

### *Maintenance and loading of goods vehicles*

#### **68 Power to inspect goods vehicles to secure proper maintenance.**

- (1) For the purpose of securing that goods vehicles are maintained in a fit and serviceable condition and that, in relation to goods vehicles, the provisions of this Part of this Act (except section 74) and of Part V of the <sup>M15</sup>Transport Act 1968 are observed, the Secretary of State must appoint such examiners as he considers necessary.
- (2) In this Part of this Act “goods vehicle examiner” means an examiner appointed under subsection (1) above or a certifying officer appointed under the <sup>M16</sup>Public Passenger Vehicles Act 1981.
- (3) A goods vehicle examiner—
  - (a) may at any time, on production if so required of his authority, enter and inspect any goods vehicle, and for that purpose detain the vehicle during such time as is required for the inspection, and
  - (b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that a goods vehicle is kept

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[<sup>F25</sup>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].

- (4) A person who obstructs a goods vehicle examiner in the performance of his duty under subsection (3) above is guilty of an offence.
- (5) A goods vehicle examiner or a constable in uniform may at any time require any person in charge of a stationary goods vehicle on a road to proceed with the vehicle for the purpose of having it inspected under this section to any place where an inspection can be suitably carried out (not being more than five miles from the place where the requirement is made).
- (6) A person in charge of a goods vehicle who refuses or neglects to comply with a requirement made under subsection (5) above is guilty of an offence.

#### Textual Amendments

**F25** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 10(6), 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(3)**)

#### Marginal Citations

**M15** 1968 c. 73.

**M16** 1981 c. 14.

### *[<sup>F26</sup> Prohibition of unfit vehicles]*

#### Textual Amendments

**F26** Ss. 69, 69A and cross heading substituted for s. 69 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.12; S.I. 1992/1286, art. 2**,Sch.

## **69 Power to prohibit the driving of unfit goods vehicles.**

- (1) If—
  - (a) on any inspection of a goods vehicle under section 68 of this Act, or
  - (b) on an examination of such a vehicle under regulations under section 49 or 61 of this Act,
 it appears to a goods vehicle examiner [<sup>F27</sup>or an authorised inspector]that, owing to any defects in the vehicle, it is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road either absolutely or for a specified purpose.
- (2) Where a goods vehicle examiner [<sup>F27</sup>or an authorised inspector]prohibits the driving of a vehicle under subsection (1) above, he must forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—
  - (a) specifying the defects which occasioned the prohibition,
  - (b) stating whether the prohibition is on all driving of the vehicle or driving it for a specified purpose (and if the latter specifying the purpose), and

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- (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (3) A prohibition under subsection (1) above with respect to any vehicle shall, subject to any exemption granted under subsection (6) below, come into force as soon as notice of it has been given under subsection (2) above if, in the opinion of the examiner [<sup>F28</sup>or authorised inspector], the defects in the vehicle are such that driving it, or driving it for any purpose specified in the notice, [<sup>F29</sup>will create an immediate risk to public safety][<sup>F29</sup>would involve danger to any person], and the prohibition shall afterwards continue in force until it is removed under section 72 of this Act.
- (4) In any other case a prohibition under subsection (1) above shall, unless previously removed under section 72 and subject to any exemption under subsection (6) below, come into force at such time not later than ten days from the date of the inspection as seems appropriate to the examiner [<sup>F28</sup>or authorised inspector]having regard to all the circumstances, and shall afterwards continue in force until it is so removed.
- (5) A prohibition under subsection (1) above may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.
- (6) Where a notice has been given under subsection (2) above any examiner [<sup>F28</sup>or authorised inspector]may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.
- (7) Where any such notice has been given an examiner [<sup>F28</sup>or authorised inspector]may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force [<sup>F30</sup>or cancel a direction under subsection (5) above with which the prohibition was imposed].

#### Textual Amendments

- F27** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 10(3)(c), 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(2)(c)**)
- F28** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 10(3), 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(2)(d)**)
- F29** Words commencing “would involve” substituted (*prosp.*) for words commencing “will create” by Transport Act 1982 (c. 49, SIF 107:1), **ss. 19(1), 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. 8(a)**)
- F30** Words added by Transport Act 1982 (c. 49, SIF 107:1), **ss. 19(2), 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. 8(b)**)

VALID FROM 01/07/1992

#### [<sup>F31</sup>69A Prohibitions conditional on inspection etc.

- (1) Where it appears to the person imposing a prohibition under section 69 of this Act that the vehicle is adapted to carry more than eight passengers, or is a public service vehicle not so adapted, the prohibition may be imposed with a direction making it

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irremovable unless and until the vehicle has been inspected at an official PSV testing station within the meaning of the Public Passenger Vehicles Act 1981.

- (2) Where it appears to that person that the vehicle is of a class to which regulations under section 49 of this Act apply, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.
- (3) Where it appears to that person that the vehicle is one to which section 47 of this Act applies, or would apply if the vehicle had been registered under the Vehicles (Excise) Act 1971 more than three years earlier, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected, and a test certificate issued, under section 45 of this Act.
- (4) In any other case, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected in accordance with regulations under section 72 of this Act by a vehicle examiner or authorised constable (within the meaning of section 69 of this Act).]

#### Textual Amendments

**F31** Ss. 69 and 69A substituted (1.7.1992) for s. 69 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.12](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

#### Modifications etc. (not altering text)

**C6** [S. 69A](#) restricted (1.7.1992) by [S.I. 1992/1217](#), [reg.7](#) (with [reg. 11](#)).

## 70 Power to prohibit driving of overloaded goods vehicles.

- (1) Subsections (2) and (3) below apply where a goods vehicle has been weighed in pursuance of a requirement imposed under section 78 of this Act and it appears to—
  - (a) a goods vehicle examiner,
  - (b) a person authorised with the consent of the Secretary of State to act for the purposes of this subsection by—
    - (i) a highway authority other than the Secretary of State, or
    - (ii) a local roads authority in Scotland, or
  - (c) a constable authorised to act for those purposes by or on behalf of a chief officer of police,

that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded or would be exceeded if it were used on a road.
- (2) The person to whom it so appears may, whether or not a notice is given under section 69(2) of this Act, give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road until—
  - (a) that weight is reduced to that limit, and
  - (b) official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.
- (3) The person to whom it so appears may also by direction in writing require the person in charge of the vehicle to remove it (and, if it is a motor vehicle drawing a trailer,



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also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with that direction.

- (4) Official notification for the purposes of subsection (2) above—
- (a) must be in writing and be given by a goods vehicle examiner, a person authorised as mentioned in subsection (1) above or a constable authorised as so mentioned, and
  - (b) may be withheld until the vehicle has been weighed or reweighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.
- (5) Nothing in this section shall be construed as limiting the power of the Secretary of State to make regulations under section 71(2) of this Act.

## 71 Offences in connection with unfit or overloaded goods vehicles.

- (1) A person who—
- <sup>F32</sup>(a) drives a goods vehicle on a road, or causes or permits a goods vehicle to be so driven, in contravention of a prohibition under section 69 or 70 of this Act, or]
  - <sup>F32</sup>(a) knowingly drives a goods vehicle on a road in contravention of a prohibition under this section; or
  - (aa) subject to subsection (1A) below, causes or permits a goods vehicle to be driven on a road in contravention of such a prohibition; or]
  - (b) refuses, neglects or otherwise fails to comply within a reasonable time with a direction under section 70(3) of this Act,
- is guilty of an offence.

<sup>F33</sup>(1A) It shall be a defence for a person charged with an offence under subsection (1)(aa) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of any offence under that provision.]

- (2) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles for such purposes as may be prescribed.

### Textual Amendments

**F32** S. 71(1) paras. (a)(aa) substituted (*prosp.*) for para. (a) appearing first by Transport Act 1982 (c. 49, SIF 107:1), ss. 19(3), 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. 8(c))

**F33** S. 71(1A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), s. 19(3), 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. 8(c))

## <sup>F34</sup>72 Removal of prohibitions.

- (1) A prohibition under section 69 or 70 of this Act may be removed by any goods vehicle examiner if he is satisfied that the vehicle is fit for service.
- (2) A person aggrieved by the refusal of an examiner appointed under section 68(1) of this Act to remove a prohibition may make an application to any licensing authority

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- to have the vehicle inspected by a certifying officer appointed under the <sup>M17</sup>Public Passenger Vehicles Act 1981.
- (3) Where any such application is made, the certifying officer, on the matter being referred to him, must, if he considers that the vehicle is fit for service, remove the prohibition.
  - (4) If the prohibition has been imposed with a direction under section 69(5) of this Act, a goods vehicle examiner must not remove it unless and until the vehicle has been inspected at an official testing station.
  - (5) A person aggrieved by the refusal of a certifying officer to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Secretary of State.
  - (6) The Secretary of State may make such order on the appeal as he thinks fit, and the order shall be binding on the certifying officer.
  - (7) Where a goods vehicle examiner removes a prohibition, he must forthwith give notice of the removal—
    - (a) to the owner of the vehicle, and
    - (b) in the case of an authorised vehicle, to the licensing authority by whom the operator’s licence was granted for the vehicle.
  - (8) The Secretary of State may provide and maintain stations (in this Part of this Act referred to as “official testing stations”) where inspections of goods vehicles for the purposes of this section may be carried out and may provide and maintain the apparatus for carrying out such examinations.
  - (9) In the case of vehicles brought to an official testing station for inspection with a view to removal of a prohibition, the Secretary of State may require the payment of fees for inspection, in accordance with prescribed scales and rates; and
    - (a) payment of the fee may be required to be made in advance,
    - (b) the Secretary of State must ensure that all the scales and rates prescribed for the purposes of this subsection are reasonably comparable with the fees charged by virtue of section 51(1)(h) of this Act in respect of the periodic examination of goods vehicles.
  - (10) The Secretary of State may make regulations for prescribing anything which may be prescribed under subsection (5) or (9) above and for regulating the procedure on appeals to him under subsection (5) above.
  - (11) A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this section.]

#### Textual Amendments

**F34** S. 72 containing subsections (1)-(8) substituted (*prosp.*) for s. 72 containing subsections (1)-(11) by Transport Act 1982 (c. 49, SIF 107:1), ss. 20, 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. 9)

#### Marginal Citations

**M17** 1981 c. 14.

**Status:** Point in time view as at 03/05/1991. This version of this part contains provisions that are not valid for this point in time.

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VALID FROM 01/07/1992

**<sup>F35</sup>72A Official testing stations.**

The Secretary of State may provide and maintain stations (in this Part of this Act referred to as “official testing stations”) where inspections of goods vehicles for the purposes of section 72 may be carried out and may provide and maintain the apparatus for carrying out such inspections.

**Textual Amendments**

**F35** Ss. 72 and 72A substituted (1.7.1992) for s. 72 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#). s.15; [S.I. 1992/1286, art. 2](#),Sch.

**Modifications etc. (not altering text)**

**C7** S. 72A restricted (1.7.1992) by [S.I. 1992/1217, reg.7](#) (with [reg. 11](#)).  
S. 72A excluded (23.6.1999) by [S.I. 1999/1736, art. 8\(1\)\(b\)\(2\)\(b\)](#)

**73 Provisions supplementary to sections 69 to 72.**

- (1) On giving a notice under section 69(2) or 70(2) of this Act to a person in charge of a vehicle, the person giving the notice must as soon as practicable take steps to bring the contents of the notice—
  - (a) to the attention of the owner of the vehicle if he was not in charge of it at the time when the notice was given, and
  - (b) in the case of an authorised vehicle, to the attention of the licensing authority by whom the operator’s licence was granted for the vehicle.
- (2) A goods vehicle examiner [<sup>F36</sup>or an authorised inspector] must, in exercising his functions under this section and sections 69 and 70 of this Act, act under the general directions of the Secretary of State and (without prejudice to that) must, in exercising his functions under section 69(6) of this Act, act in accordance with any directions given by the Secretary of State with respect to the exercise of those functions in any particular case.
- (3) Any reference in sections 69 to 72 of this Act 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.
- (4) In this section and section 72 of this Act “authorised vehicle” and “operator’s licence” have the same meaning as in Part V of the <sup>M18</sup>Transport Act 1968.

**Textual Amendments**

**F36** Words inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 107:1\)](#), [ss. 10\(3\)\(c\), 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\(2\)\(c\)](#))

**Marginal Citations**

**M18** 1968 c. 73.

*Status: Point in time view as at 03/05/1991. This version of this part contains provisions that are not valid for this point in time.*

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*Miscellaneous provisions about vehicles and vehicle parts*

**74 Operator’s duty to inspect, and keep records of inspections of, goods vehicles.**

- (1) The Secretary of State may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—
  - (a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle, are complied with, and
  - (b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection,and providing for the preservation of such records for a prescribed period not exceeding fifteen months and their custody and production during that period.
- (2) Regulations under this section may—
  - (a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed,
  - (b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed, and
  - (c) make different provision for different cases.
- (3) Any person who contravenes or fails to comply with any provision of regulations under this section is guilty of an offence.
- (4) In this section “the operator”, in relation to a goods vehicle, means the person to whom it belongs or the hirer of it under a hire purchase agreement; but, if he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person, it means a person of a class prescribed by regulations under this section in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

**75 Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy.**

- (1) Subject to the provisions of this section no person shall supply a motor vehicle or trailer in an unroadworthy condition.
- (2) In this section references to supply include—
  - (a) sell,
  - (b) offer to sell or supply, and
  - (c) expose for sale.
- (3) For the purposes of subsection (1) above a motor vehicle or trailer is in an unroadworthy condition if—
  - (a) it is in such a condition that the use of it on a road in that condition would be unlawful by virtue of any provision made by regulations under section 41 of this Act as respects—
    - (i) brakes, steering gear or tyres, or
    - (ii) the construction, weight or equipment of vehicles, or

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- (iii) the maintenance of vehicles, their parts and accessories in such a condition that no danger is or is likely to be caused, or
  - (b) it is in such a condition, as respects lighting equipment or reflectors or their maintenance, that it is not capable of being used on a road during the hours of darkness without contravention of the requirements imposed by law as to obligatory lamps or reflectors.
- (4) Subject to the provisions of this section no person shall alter a motor vehicle or trailer so as to render its condition such that the use of it on a road in that condition would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under section 41.
- (5) A person who supplies or alters a motor vehicle or trailer in contravention of this section, or causes or permits it to be so supplied or altered, is guilty of an offence.
- (6) A person shall not be convicted of an offence under this section in respect of the supply or alteration of a motor vehicle or trailer if he proves—
  - (a) that it was supplied or altered, as the case may be, for export from Great Britain, or
  - (b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used, or
  - (c) in the case of a vehicle or trailer the supply of which is alleged to be unlawful by reason of its condition as respects lighting equipment or reflectors or their maintenance, that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain during the hours of darkness until it had been put into a condition in which it might be so used during those hours without contravention of the requirements imposed by law as to obligatory lamps or reflectors.
- (7) Nothing in the preceding provisions of this section shall affect the validity of a contract or any rights arising under a contract.
- (8) In this section “obligatory lamps or reflectors” means, in relation to a motor vehicle or trailer, the lamps or reflectors required by law to be carried on it while it is on a road—
  - (a) during the hours of darkness, and
  - (b) when it is neither drawing nor being drawn by another vehicle,except that the expression does not, in the case of a trailer, include any lamps showing a white light to the front.

## **76 Fitting and supply of defective or unsuitable vehicle parts.**

- (1) If any person—
  - (a) fits a vehicle part to a vehicle, or
  - (b) causes or permits a vehicle part to be fitted to a vehicle,in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements, he is guilty of an offence.
- (2) A person shall not be convicted of an offence under subsection (1) above if he proves—
  - (a) that the vehicle to which the part was fitted was to be exported from Great Britain, or

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- (b) that he had reasonable cause to believe that that vehicle—
  - (i) would not be used on a road in Great Britain, or
  - (ii) that it would not be so used until it had been put into a condition in which its use would not constitute a contravention of or a failure to comply with any of the construction and use requirements.
- (3) If a person—
  - (a) supplies a vehicle part or causes or permits a vehicle part to be supplied, and
  - (b) has reasonable cause to believe that the part is to be fitted to a motor vehicle, or to a vehicle of a particular class, or to a particular vehicle,

he is guilty of an offence if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements.
- (4) In this section references to supply include—
  - (a) sell, and
  - (b) offer to sell or supply.
- (5) A person shall not be convicted of an offence under subsection (3) above in respect of the supply of a vehicle part if he proves—
  - (a) that the part was supplied for export from Great Britain, or
  - (b) that he had reasonable cause to believe that—
    - (i) it would not be fitted to a vehicle used on a road in Great Britain, or
    - (ii) it would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements.
- (6) An authorised examiner may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted to vehicles or are supplied and test and inspect any vehicle or vehicle part found on those premises for the purpose of ascertaining whether—
  - (a) a vehicle part has been fitted to the vehicle in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements, or
  - (b) the vehicle part could not be supplied for fitting to a vehicle used on roads in Great Britain without the commission of an offence under subsection (3) above.
- (7) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.
- (8) Any person who obstructs an authorised examiner acting under subsection (6) or (7) above is guilty of an offence.
- (9) In subsections (6) to (8) above “authorised examiner” means a person who may act as an authorised examiner for the purposes of section 67 of this Act; and any such person,

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other than a constable in uniform, shall produce his authority to act for the purpose of subsections (6) and (7) above if required to do so.

- (10) Nothing in this section shall affect the validity of a contract or of any rights arising under a contract.

## **77 Testing condition of used vehicles at sale rooms, etc.**

- (1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are supplied in the course of a business and test and inspect any used motor vehicle or trailer found on the premises for the purpose of ascertaining whether it is in an unroadworthy condition for the purposes of section 75(1) of this Act.
- (2) In this section (except paragraph (d) below) references to supply include—
- (a) sell,
  - (b) offer for sale or supply,
  - (c) expose for sale, and
  - (d) otherwise keep for sale or supply.
- (3) An authorised examiner may at any reasonable hour enter premises where vehicles or vehicle parts of a class prescribed for the purposes of section 63 of this Act are supplied in the course of a business and test and inspect any such vehicle or vehicle part for the purpose of ascertaining whether the vehicle or vehicle part complies with the type approval requirements applicable to a vehicle or vehicle part of that class.
- (4) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.
- (5) A person who obstructs an authorised examiner acting under this section is guilty of an offence.
- (6) In this section “authorised examiner” means a person who may act as an authorised examiner for the purposes of section 67 of this Act; and any such person, other than a constable in uniform, shall produce his authority to act for the purposes of that section if required to do so.
- (7) A motor vehicle or trailer shall be treated for the purposes of this section as used if, but only if, it has previously been sold or supplied by retail.

### **Modifications etc. (not altering text)**

**C8** S. 77 restricted (1.7.1992) by [S.I. 1992/1217](#), [regs.7,9](#) (with reg. 11).

## **78 Weighing of motor vehicles.**

- (1) Subject to any regulations made by the Secretary of State, an authorised person may, on production of his authority, require the person in charge of a motor vehicle—
- (a) to allow the vehicle or any trailer drawn by it to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and
  - (b) for that purpose, to proceed to a weighbridge or other machine for weighing vehicles.

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- (2) For the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under subsection (1) above, an authorised person may require the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose.
- (3) If a person in charge of a motor vehicle—
- (a) refuses or neglects to comply with any requirement under subsection (1) or (2) above, or
  - (b) obstructs an authorised person in the exercise of his functions under this section,
- he is guilty of an offence.
- (4) An authorised person may not require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.
- (5) Regulations under subsection (1) above may make provision with respect to—
- (a) the manner in which a vehicle or trailer is to be weighed or a weight is to be tested as mentioned in subsection (1) above, and
  - (b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Act or by or under any other enactment relating to motor vehicles or trailers,
- and the regulations may make different provision in relation to vehicles of different classes, in relation to different types of weighbridges and other machines and in relation to different circumstances.
- (6) If—
- (a) at the time when the requirement is made the vehicle is more than five miles from the weighbridge or other machine, and
  - (b) the weight is found to be within the limits authorised by law,
- the highway authority (in Scotland, roads authority) on whose behalf the requirement is made must pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator (in Scotland, arbiter) agreed upon by the parties or, in default of agreement, appointed by the Secretary of State.
- (7) The Secretary of State may by order designate areas in Great Britain where subsection (6) above is to have effect, in such cases as may be specified by the order, with the substitution for five miles of a greater distance so specified.
- An order under this subsection shall be made by statutory instrument subject to annulment by a resolution of either House of Parliament.
- (8) In this section—
- (a) “road” includes any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations,
  - (b) “authorised person” means a person authorised by a highway authority (in Scotland, a roads authority) or a constable authorised on behalf of such an authority by a police authority or a chief officer of police,



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and in this subsection “harbour” and “harbour operations” have the meanings given to them by section 57(1) of the <sup>M19</sup>Harbours Act 1964.

**Modifications etc. (not altering text)**

**C9** S. 78 restricted (1.7.1992) by [S.I. 1992/1217](#), [regs.7,9](#) (with reg. 11).

**Marginal Citations**

**M19** 1964 c. 40.

**79 Further provisions relating to weighing of motor vehicles.**

- (1) Where a motor vehicle or trailer is weighed under section 78 of this Act, a certificate of weight must be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.
- (2) On production of his authority—
  - (a) a certifying officer appointed under the <sup>M20</sup>Public Passenger Vehicles Act 1981, or
  - (b) an examiner appointed under section 68 (1) of this Act, or
  - (c) any of the Secretary of State’s officers authorised by him in that behalf,may at any time exercise with respect to the weighing of vehicles of a class prescribed for the purposes of section 63 of this Act and goods vehicles generally all such powers with respect to the weighing of motor vehicles and trailers as are exercisable under section 78 of this Act by a constable authorised as mentioned in subsection (8) of that section.
- (3) The provisions of section 78 of this Act shall apply accordingly in relation to vehicles of a class so prescribed and goods vehicles generally—
  - (a) as if references to a constable so authorised included references to such a certifying officer, examiner or officer of the Secretary of State, and
  - (b) as if the reference in subsection (6) to the authority on whose behalf the requirement is made were a reference to the Secretary of State, and
  - (c) as if the reference in that subsection to the Secretary of State were a reference, in relation to England and Wales, to the Lord Chief Justice of England and, in relation to Scotland, to the Lord President of the Court of Session.
- (4) A certificate in the prescribed form which—
  - (a) purports to be signed by an authorised person (within the meaning of section 78 of this Act) or by a person exercising powers by virtue of subsection (2) above, and
  - (b) states, in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under section 78(1) of this Act,shall be evidence (in Scotland, sufficient evidence) of the matter so stated.
- (5) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to a weighbridge or other machine as mentioned in

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section 78(1) of this Act, an authorised person (within the meaning of that section) or a person exercising powers by virtue of subsection (2) above—

- (a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or
- (b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to do any other thing in relation to a vehicle or its load or a trailer or its load,

neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.

#### **Marginal Citations**

**M20** 1981 c. 14.

## **80 Approval marks.**

(1) Where any international agreement to which the United Kingdom is a party or a Community obligation provides—

- (a) for markings to be applied—
  - (i) to motor vehicle parts of any description to indicate conformity with a type approved by any country, or
  - (ii) to a motor vehicle to indicate that the vehicle is fitted with motor vehicle parts of any description and either that the parts conform with a type approved by any country or that the vehicle is such that as so fitted it conforms with a type so approved, and
- (b) for motor vehicle parts or, as the case may be, motor vehicles, bearing those markings to be recognised as complying with the requirements imposed by the law of another country,

the Secretary of State may by regulations designate the markings as approval marks, and any markings so designated shall be deemed for the purposes of the <sup>M21</sup>Trade Descriptions Act 1968 to be a trade description, whether or not the markings fall within the definition of the expression in section 2 of that Act.

(2) Any person who, without being authorised by the competent authority to apply any approval mark, applies that mark or a mark so nearly resembling it as to be calculated to deceive is guilty of an offence under the Trade Descriptions Act 1968, whether or not he would be guilty of such an offence apart from this subsection.

(3) The conditions subject to which approval of any type may be given on behalf of the United Kingdom or the use of approval marks indicating conformity with a type approved by the United Kingdom may be authorised may include such conditions as to testing or inspection and the payment of fees as the Secretary of State may impose.

(4) In this section—

“motor vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle,

“motor vehicle part” means any article made or adapted for use as part of a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle, or for use as part of the equipment of any such vehicle, and shall be treated as including any equipment for the protection of drivers or

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passengers in or on a motor vehicle notwithstanding that it does not form part of, or of the equipment of, that vehicle, and

“the competent authority” means—

- (a) as respects any approval marks indicating conformity with a type approved by the United Kingdom, the Secretary of State, and
- (b) as respects any approval marks indicating conformity with a type approved by any other country, the authority having power under the law of that country to authorise the use of that mark.

#### Marginal Citations

M21 1968 c. 29.

### *Pedal cycles and horse-drawn vehicles*

#### **81 Regulation of brakes, bells etc., on pedal cycles.**

- (1) The Secretary of State may make regulations as to the use on roads of cycles, their construction and equipment and the conditions under which they may be so used.
- (2) In particular, but without prejudice to the generality of subsection (1) above, the regulations may make provision as to—
  - (a) the number, nature and efficiency of brakes and their maintenance in proper working order,
  - (b) the appliances to be fitted for signalling approach and their maintenance in proper working order, and
  - (c) the testing and inspection, by persons authorised under the regulations, of any equipment prescribed under this section and of lighting equipment and reflectors.
- (3) Regulations under this section may provide for repealing byelaws dealing with the same subject-matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.
- (4) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.
- (5) Regulations under this section as to the use on roads of cycles may prohibit the sale or supply, or the offer of a sale or supply, of a cycle for delivery in such a condition that the use of it on a road in that condition would be a contravention of the regulations, but no provision made by virtue of this subsection shall affect the validity of any contract or any rights arising under a contract.
- (6) If a person sells or supplies or offers to sell or supply a cycle in contravention of any prohibition imposed by regulations made by virtue of subsection (5) above, he is guilty of an offence, unless he proves—
  - (a) that it was sold, supplied or offered for export from Great Britain, or
  - (b) that he had reasonable cause to believe that it would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used.

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## 82 Regulation of brakes on horse-drawn vehicles.

- (1) The Secretary of State may make regulations for regulating the number, nature and use of brakes, including skid pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class of such vehicles, when used on roads.
- (2) Regulations under this section may be made for securing that such brakes are efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere.
- (3) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.
- (4) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

### *Miscellaneous*

## 83 Offences to do with reflectors and tail lamps.

A person who sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a vehicle in accordance with the provisions of this Act or of any regulations made under it, not being an appliance which complies with the construction and use requirements applicable to a class of vehicles for which the appliance is adapted, is guilty of an offence.

### **Modifications etc. (not altering text)**

**C10** S. 83 restricted (1.7.1992) by [S.I. 1992/1217](#), [reg.7](#) (with [reg. 11](#)).

## 84 Appointment of officials and destination of fees.

- (1) Subject to the consent of the Treasury as to number, the Secretary of State may appoint such officers and servants as he considers necessary for the operation of the provisions of sections 68 to 73 of this Act.
- (2) There shall be paid to goods vehicles examiners appointed for the purposes of sections 68 to 73 of this Act such remuneration or salaries and such allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.
- (3) In every year there shall be paid out of monies provided by Parliament such sums as the Secretary of State may, with the consent of the Treasury, direct in respect of the remuneration, salaries and allowances under subsection (2) above and the other expenses of examiners.
- (4) Any sum received by the Secretary of State in pursuance of sections 45, 46, 49 to 51, 54 to 62, [<sup>F37</sup>72(9)] [<sup>F37</sup>72] and 80 of this Act shall be paid into the Consolidated Fund.

### **Textual Amendments**

**F37** “72” substituted (*prosp.*) for “72(9)” by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 4, 8(3)(a), [Sch. 2 Pt. I para. 16](#)

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## 85 Interpretation of Part II.

In this Part of this Act—

“the Community Recording Equipment Regulation” means Council Regulation (EEC) No. 3821/85<sup>M22</sup> of 20th December 1985 on recording equipment in road transport, as read with the <sup>M23</sup>Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986, the <sup>M24</sup>Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) (Amendment) Regulations 1986 and the <sup>M25</sup>Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) (Amendment) Regulations 1987,

“licensing authority” means a licensing authority for the purposes of Part V of the <sup>M26</sup>Transport Act 1968,

“official testing station” means a testing station maintained by the Secretary of State under section 72(8) of this Act,

“prescribed” means prescribed by regulations made by the Secretary of State,

“sold or supplied by retail” means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration,

“tail lamp” means, in relation to a vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with regulations under section 41 of this Act,

“traffic area” has the same meaning as in the <sup>M27</sup>Public Passenger Vehicles Act 1981, and

“vehicle part” means any article which is a motor vehicle part, within the meaning of section 80 of this Act, and any other article which is made or adapted for use as part of, or as part of the equipment of, a vehicle which is intended or adapted to be used on roads but which is not a motor vehicle within the meaning of that section.

### Marginal Citations

M22 OJ No. L370/8 of 31.12.85.

M23 S.I. 1986/1456.

M24 S.I.1986/1669.

M25 S.I. 1987/805.

M26 1968 c. 73.

M27 1981 c. 14.

## 86 Index to Part II.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

Certificate of conformity	Section 57(1)
Community Recording Equipment Regulation	Section 85

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Construction and use requirements	Section 41(7)
Design weights	Section 54(3)
Examination for plating	Section 49(4)
Goods vehicle examiner	Section 68(2)
Goods vehicle test	Section 49(4)
Goods vehicle test certificate	Section 49(2)(b)
Licensing authority	Section 85
Minister’s approval certificate	Section 58(1)
Official testing station	Section 85
Plating certificate	Section 49(2)(a)
Plated particulars	Section 41(7)
Plated weights	Section 41(7)
Prescribed	Section 85
Relevant aspects of design, construction, equipment and marking	Section 54(6)
Sold or supplied by retail	Section 85
Tail lamp	Section 85
Test certificate	Section 45(2)
Traffic area	Section 85
Type approval certificate	Section 55(2)
Type approval requirements	Section 54(1)
Vehicle part	Section 85

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**Status:**

Point in time view as at 03/05/1991. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

Road Traffic Act 1988, Part II is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.