



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

##### *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)**

C1 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 [<sup>F1</sup>examiners appointed under section 66A] 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.

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- (4) Any sum received by the Secretary of State in pursuance of sections 45, 46, 49 to 51, 54 to 62, 72(9) and 80 of this Act shall be paid into the Consolidated Fund.

#### Textual Amendments

- F1** Words in s. 84(2) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 60](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

## 85 Interpretation of Part II.

In this Part of this Act—

[<sup>F2</sup>“the Community Recording Equipment Regulation” means Council Regulation ([EEC](#)) [No. 3821/85](#) on recording equipment in road transport as read with the Community Drivers' Hours and Recording Equipment Regulations 2007]

[<sup>F3</sup>“EC certificate of conformity” means—

- (a) in the case of a light passenger vehicle, a certificate of conformity issued by a manufacturer under—
  - (i) regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992,
  - (ii) regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998,
  - (iii) regulation 15(1) or 20(4) of the Road Vehicles (Approval) Regulations 2009, or
  - (iv) any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive or Article 18 of the road vehicles type approval Directive;
- (b) in the case of a vehicle to which the motorcycle type approval Directive applies, a certificate of conformity—
  - (i) issued by a manufacturer under regulation 8(1) of the Motor Cycles Etc (EC Type Approval) Regulations 1999 (whether before, on or after 9th November 2003), or
  - (ii) issued by a manufacturer under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval Directive or to Article 7(1) of Council Directive [92/61/EEC](#) of 30th June 1992 relating to the type approval of two- or three-wheeled motor vehicles;
- (c) in the case of a vehicle to which the tractor type approval Directive applies, a certificate of conformity issued by a manufacturer under—
  - (i) regulation 6 of the Tractor etc (EC Type-Approval) Regulations 2005, or
  - (ii) any provision of the law of an EEA State other than the United Kingdom giving effect to Article 6(1) of the tractor type approval Directive;
- (d) in the case of any other vehicle, a certificate of conformity issued by a manufacturer under—
  - (i) regulation 15(1) of the Road Vehicles (Approval) Regulations 2009, or

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(ii) any provision of the law of a member State other than the United Kingdom giving effect to Article 18 of the road vehicles type approval Directive;]

[<sup>F4</sup>“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a state which is a contracting Party to the EEA Agreement;]

<sup>F5</sup> . . .

[<sup>F6</sup>“light passenger vehicle” means any motor vehicle which—

- (a) has at least four wheels,
- (b) <sup>F7</sup> . . . . .
- (c) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,
- (d) has no more than eight seats in addition to the driver’s seat, and
- (e) has a maximum design speed exceeding 25 kilometres per hour,

but does not include a quadricycle within the meaning of Article 1(3) of the motorcycle type approval Directive <sup>F8</sup> . . . .

“the light passenger vehicle type approval Directive” means Council Directive [70/156/EEC](#) of 6th February 1970 on the approximation of the laws of the member States relating to the type-approval of motor vehicles and their trailers as amended by Council Directive [87/403/EEC](#) of 25th June 1987 and Council Directive [92/53/EEC](#) of 18th June 1992,

[<sup>F9</sup>“the motorcycle type approval Directive” means Directive [2002/24/EC](#) of the European Parliament and of the Council of 18th March 2002 relating to the type approval of two or three-wheel motor vehicles and repealing Council Directive [92/61/EEC](#), as corrected by a Corrigendum of 22nd February 2003,]

“official testing station” means a testing station maintained by the Secretary of State under section [<sup>F10</sup>72A] of this Act,

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

<sup>F11</sup>[“public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981,]

[<sup>F12</sup>“the road vehicles type approval Directive” means Directive [2007/46/EC](#) of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers and of systems, components and separate technical units intended for such vehicles,]

“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,

[<sup>F13</sup>“the tractor type approval Directive” means Directive [2003/37/EC](#) of the European Parliament and of the Council of 26th May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units.]

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“traffic area” has the same meaning as in the Public Passenger Vehicles Act 1981 <sup>M1</sup>, 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.

#### Textual Amendments

- F2** S. 85(1): definition of "Community Recording Equipment Regulation" substituted (23.4.2010) by [The Passenger and Goods Vehicles \(Community Recording Equipment Regulation\) Regulations 2010 \(S.I. 2010/892\)](#), [reg. 3\(2\)\(d\)](#)
- F3** S. 85: definition of "EC certificate of conformity" substituted (29.4.2009) by virtue of [The Road Vehicles \(Approval\) \(Consequential Amendments\) Regulations 2009 \(S.I. 2009/818\)](#), [reg. 3\(6\)\(a\)](#)
- F4** In s. 85 definition of "EEA Agreement" inserted (30.11.1999) by [S.I. 1999/2920](#), [reg. 19](#), [Sch. 2 para. 4\(3\)](#)
- F5** in s. 85 definition of "licensing authority" repealed (1.1.1996) by [1995 c. 23](#), [s. 60\(1\)\(2\)](#), [Sch. 7 para. 13](#), [Sch. 8 Pt. I](#); [S.I. 1995/2181](#), [art. 2](#)
- F6** In s. 85 definitions of "light passenger vehicle", "the light passenger vehicle type approval Directive" and "the motorcycle type approval Directive" inserted (1.1.1993) by [S.I. 1992/3107](#), [regs. 1\(2\)](#), [16](#), [Sch. 2 para. 5\(2\)\(b\)](#)
- F7** S. 85: para. (b) in definition of "light passenger vehicle" omitted (29.4.2009) by virtue of [The Road Vehicles \(Approval\) \(Consequential Amendments\) Regulations 2009 \(S.I. 2009/818\)](#), [reg. 3\(6\)\(b\)\(i\)](#)
- F8** S. 85: words in definition omitted (29.4.2009) by virtue of [The Road Vehicles \(Approval\) \(Consequential Amendments\) Regulations 2009 \(S.I. 2009/818\)](#), [reg. 3\(6\)\(b\)\(ii\)](#)
- F9** In s. 85 definition of "the motorcycle type approval Directive" substituted (9.11.2003) by [The Motor Cycles Etc. \(EC Type Approval\) \(Amendment\) Regulations 2003 \(S.I. 2003/1099\)](#), [reg. 3\(b\)](#)
- F10** Word in s. 85 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 48](#), [Sch. 4 para. 61\(a\)](#); [S.I. 1992/1286](#), [art. 2](#), [Sch.](#)
- F11** Definition in s. 85 inserted (1.7.1992) (after the definition of "prescribed") by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 48](#), [Sch. 4 para. 61\(b\)](#); [S.I. 1992/1286](#), [art. 2](#), [Sch.](#)
- F12** S. 85: definition of "the road vehicles type approval Directive" inserted (29.4.2009) by [The Road Vehicles \(Approval\) \(Consequential Amendments\) Regulations 2009 \(S.I. 2009/818\)](#), [reg. 3\(6\)\(c\)](#)
- F13** S. 86: definition of "the tractor type approval Directive" inserted (29.4.2009) by [The Road Vehicles \(Approval\) \(Consequential Amendments\) Regulations 2009 \(S.I. 2009/818\)](#), [reg. 3\(6\)\(d\)](#)

#### Marginal Citations

- M1** 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	[ <sup>F14</sup> Section 57(1A)]
Community Recording Equipment Regulation	Section 85
Construction and use requirements	Section 41(7)

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Design weights	Section 54(3)
[ <sup>F15</sup> EC certificate of conformity]	[ <sup>F15</sup> Section 85 ]
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)
<sup>F16</sup>	<sup>F16</sup>
...	...
[ <sup>F17</sup> Light passenger vehicle]	[ <sup>F17</sup> Section 85]
[ <sup>F17</sup> Light passenger vehicle type approval Directive]	<sup>F17</sup> Section 85
Minister's approval certificate	Section 58(1)
[ <sup>F17</sup> Motorcycle type approval Directive]	[ <sup>F17</sup> Section 85]
Official testing station	Section 85
Plating certificate	Section 49(2)(a)
Plated particulars	Section 41(7)
Plated weights	Section 41(7)
Prescribed	Section 85
[ <sup>F18</sup> Public service vehicle]	[ <sup>F18</sup> Section 85]
Relevant aspects of design, construction, equipment and marking	Section 54(6)
[ <sup>F19</sup> Road vehicles type approval Directive]	Section 85]
Sold or supplied by retail	Section 85
Tail lamp	Section 85
Test certificate	Section 45(2)
[ <sup>F19</sup> Tractor type approval Directive]	Section 85]
Traffic area	Section 85
Type approval certificate	Section 55(2)
Type approval requirements	Section 54(1)
[ <sup>F18</sup> Vehicle examiner]	[ <sup>F18</sup> Section 66A]
Vehicle part	Section 85

#### Textual Amendments

**F14** Words in the Table in s. 86 substituted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(3)(a)**.

**F15** Words in the Table in s. 86 inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(3)(b)**.

**F16** Words in Table in s. 86 repealed (1.1.1996) by 1995 c. 23, s. 60(1)(2), Sch. 7 para. 14, **Sch. 8 Pt. I** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

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| <p><b>F17</b> Words in the Table in s. 86 inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, <b>Sch. 2 para. 5(3)(b)</b>.</p> <p><b>F18</b> Words in the Table in s. 86 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, <b>Sch. 4 para. 62</b>; S.I. 1992/1286, art. 2, <b>Sch. 4 para. 62</b>; S.I. 1992/1286, art. 2, <b>Sch. 4 para. 62</b>; S.I. 1992/1286, art. 2, <b>Sch. 4 para. 62</b>;</p> <p><b>F19</b> Words in the Table in s. 86 inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818), <b>reg. 3(7)</b></p> |
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