



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

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

[^{F1}46 Regulations under section 45.

- (1) Regulations under section 45 of this Act may, in particular, make provision as to—
 - (a) the authorisation of examiners, the nomination and approval of nominated testers, the appointment and approval of inspectors and the designation of councils in accordance with subsection (3) of that section,
 - (b) the imposition of conditions to be complied with by the persons referred to in paragraph (a) above,
 - (c) the circumstances in which a person ceases to be an authorised examiner, a nominated tester or an inspector or in which a council ceases to be designated,
 - (d) 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,
 - (e) the supervision of examinations and of the premises at which examinations are carried out,
 - (f) 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 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,

Status: Point in time view as at 08/06/2015.

Changes to legislation: Road Traffic Act 1988, Section 46 is up to date with all changes known to be in force on or before 21 July 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. (See end of Document for details)

- (g) the form of, and particulars to be contained in, test certificates and notifications of the refusal of test certificates and the conditions which must be satisfied before such certificates and notifications may be issued,
 - (h) the issue of duplicates or copies of test certificates and the fees to be paid on applications for such duplicates or copies,
 - (i) the correction of errors in test certificates,
 - (j) the charges to be paid by authorised examiners or designated councils to the Secretary of State in connection with—
 - (i) the issue of test certificates or notifications of the refusal of test certificates,
 - (ii) the issue of duplicates or copies of test certificates, and
 - (iii) the correction of errors in test certificates,
 - ^{F2}(ja) [the charges to be paid to the Secretary of State by persons occupying premises designated under section 8(3)(b) of the Public Passenger Vehicles Act 1981 as stations where inspections of public service vehicles may be carried out where the charges are in connection with—
 - (i) the provision by the Secretary of State of vehicle examiners to examine public service vehicles on the premises,
 - (ii) the issue of test certificates or notifications of the refusal of test certificates in respect of examinations of public service vehicles carried out on the premises,
 - (iii) the issue of duplicates or copies of test certificates issued in respect of such examinations, and
 - (iv) the correction of errors in test certificates so issued.]
 - (k) the keeping by authorised examiners and designated councils 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, ^{F3}...
 - ^{F4}(ka) [the keeping by persons mentioned in paragraph (ja) 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,]
 - (l) the keeping of records by authorised examiners and designated councils and the providing by them of returns and information to the Secretary of State^{F5}, and
 - (m) the keeping of records by persons mentioned in paragraph (ja) and the providing by them of returns and information to the Secretary of State.]
- (2) The conditions which may be imposed by virtue of subsection (1)(b) above include conditions—
- (a) relating to the successful completion of courses of instruction provided under section 45(6A) of this Act, and
 - (b) requiring the payment of prescribed fees to the Secretary of State in respect of applications for, or the continuation of, the Secretary of State’s authorisation, approval or designation.
- (3) The provision which may be made by virtue of subsection (1)(e) above includes provision—
- (a) requiring supervision to be provided by individuals who are nominated by authorised examiners or designated councils, in respect of particular premises,

Status: Point in time view as at 08/06/2015.

Changes to legislation: Road Traffic Act 1988, Section 46 is up to date with all changes known to be in force on or before 21 July 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. (See end of Document for details)

- and are approved by the Secretary of State (in this subsection referred to as “nominated supervisors”),
- (b) as to the imposition of conditions (including conditions described in subsection (2) above) to be complied with by any nominated supervisor, and
 - (c) as to the circumstances in which a person ceases to be a nominated supervisor.
- (4) The provision which may be made by virtue of subsection (1)(j) [^{F6}or (ja)] above includes provision requiring—
- (a) the making to the Secretary of State at prescribed times of payments, of such amounts as may be determined by him in accordance with the regulations, on account of charges that may become payable, and
 - (b) where forms for test certificates and notifications of the refusal of test certificates are supplied by the Secretary of State, the payment to him of charges for the supply of such forms;
- and for the repayment, in prescribed circumstances, of such payments received by the Secretary of State.
- (5) Regulations under section 45 of this Act may provide for the Secretary of State to make available for use by prescribed persons any particulars contained in the records maintained under section 45(6B) of this Act on payment, in prescribed cases, of a fee of such amount as appears to the Secretary of State to be reasonable in the circumstances of the case.
- (6) Regulations under section 45 of this Act may also provide for the sale of particulars contained in, or information derived from, those records—
- (a) to such persons as the Secretary of State thinks fit, and
 - (b) for such price and on such other terms, and subject to such restrictions, as he thinks fit;
- if those particulars do not (or that information does not) identify the premises at which any examination was carried out or any person concerned with the carrying out of the examination.
- (7) Regulations under that section may—
- (a) make different provision in relation to different cases or classes of cases, and
 - (b) contain such incidental, supplemental or transitional provisions or savings as the Secretary of State thinks fit.]

Textual Amendments

- F1** S. 46 substituted (11.4.2003) by 1999 c. 12, ss. 2, 9(2); S.I. 2003/1095, art. 2
- F2** S. 46(1)(ja) inserted (26.3.2015 for specified purposes, 8.6.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 10 para. 26(2); S.I. 2015/994, art. 7(b) (with Sch. Pt. 4)
- F3** Word in s. 46(1)(k) omitted (26.3.2015 for specified purposes, 8.6.2015 in so far as not already in force) by virtue of Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 10 para. 26(3); S.I. 2015/994, art. 7(b) (with Sch. Pt. 4)
- F4** S. 46(1)(ka) inserted (26.3.2015 for specified purposes, 8.6.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 10 para. 26(3); S.I. 2015/994, art. 7(b) (with Sch. Pt. 4)
- F5** S. 46(1)(m) and preceding word inserted (26.3.2015 for specified purposes, 8.6.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), Sch. 10 para. 26(4); S.I. 2015/994, art. 7(b) (with Sch. Pt. 4)

Status: Point in time view as at 08/06/2015.

Changes to legislation: Road Traffic Act 1988, Section 46 is up to date with all changes known to be in force on or before 21 July 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. (See end of Document for details)

F6 Words in s. 46(4) inserted (26.3.2015 for specified purposes, 8.6.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), **Sch. 10 para. 26(5)**; S.I. 2015/994, art. 7(b) (with Sch. Pt. 4)

Status:

Point in time view as at 08/06/2015.

Changes to legislation:

Road Traffic Act 1988, Section 46 is up to date with all changes known to be in force on or before 21 July 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.