



Road Traffic (Vehicle Testing) Act 1999

1999 CHAPTER 12

An Act to make further provision about the testing of motor vehicles for the purposes of Part II of the Road Traffic Act 1988; and for connected purposes. [30th June 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Tests of satisfactory condition of vehicles

- (1) In subsection (3) of section 45 of the Road Traffic Act 1988 (tests of satisfactory condition of vehicles)—
 - (a) after paragraph (a) there is inserted—
 - “(za) individuals who are nominated by, and act under the supervision of, authorised examiners and are approved by the Secretary of State (in this section and section 46 of this Act referred to as “nominated testers”),” and
 - (b) for paragraph (c) there is substituted—
 - “(c) inspectors who are—
 - (i) 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 a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and
 - (ii) approved by the Secretary of State.”
- (2) In subsection (4) of that section, for “the examiner or inspector” there is substituted “the person carrying out the examination”.
- (3) After subsection (6) of that section there is inserted—

- “(6A) The Secretary of State may provide, or make arrangements for the provision of, courses of instruction in connection with the carrying out of examinations under this section; and may charge prescribed fees in respect of attendance on such courses.
- (6B) The Secretary of State shall maintain, or cause to be maintained, records containing such particulars as he thinks fit of—
- (a) vehicles submitted for examination under this section, and
 - (b) the carrying out of and the results of the examinations.”

2 Regulations under s. 45 of Road Traffic Act 1988

For section 46 of the Road Traffic Act 1988 there is substituted—

“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,
 - (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,
 - (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, and
 - (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.
- (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, 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) 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.”

3 Use of records of vehicle examinations, etc

After section 46 of the Road Traffic Act 1988, there is inserted—

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

4 Evidence from records of vehicle examinations

After section 46A of the Road Traffic Act 1988 there is inserted—

“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 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.”

5 Satisfying conditions for grant of vehicle excise licence

In section 66 of the Road Traffic Act 1988 (regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions), after paragraph (a) of subsection (2) there is inserted—

- “(aa) the records maintained under section 45(6B) of this Act provide evidence of the granting of an effective test certificate, or”.

6 Orders relating to fees chargeable by virtue of s. 46 of Road Traffic Act 1988

- (1) In this section—
- (a) “section 102” means section 102 of the Finance (No. 2) Act 1987 (Government fees and charges); and
 - (b) “power to fix a fee” has the meaning given by subsection (2) of that section.
- (2) This section applies to any order under subsection (3) or (4) of section 102 which—
- (a) relates only to cases where the power to fix a fee is conferred by virtue of section 46 of the Road Traffic Act 1988, and
 - (b) is made within the period of twelve months beginning with the day on which this Act is passed.
- (3) Any order to which this section applies—
- (a) shall not be subject to subsection (5) of section 102 (affirmative resolution of the House of Commons), but
 - (b) shall be subject to annulment in pursuance of a resolution of that House.

7 Consequential amendments and repeals

- (1) The Schedule to this Act (consequential amendments) has effect.
- (2) The following provisions are hereby repealed—
 - (a) paragraph 4(1)(d) and (e) of Schedule 2 to the Road Traffic (Consequential Provisions) Act 1988, and
 - (b) paragraphs 53 and 75 of Schedule 4 to the Road Traffic Act 1991.

8 Financial provision

- (1) There shall be paid out of money provided by Parliament—
 - (a) any expenditure incurred by the Secretary of State in consequence of the provisions of this Act, and
 - (b) any increase attributable to this Act in the sums which by virtue of any other Act are payable out of money so provided.
- (2) There shall be paid into the Consolidated Fund—
 - (a) any sums received by the Secretary of State by virtue of the provisions of this Act, and
 - (b) any increase attributable to this Act in the sums payable into that Fund under the Road Traffic Act 1988.

9 Short title, commencement and extent

- (1) This Act may be cited as the Road Traffic (Vehicle Testing) Act 1999.
- (2) The provisions of this Act, except this section and sections 6 and 8, shall not come into force until such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) An order under subsection (2) above may include such transitional provisions, consequential provisions or savings as the Secretary of State considers appropriate in connection with the coming into force of section 1 of this Act.
- (4) This Act does not extend to Northern Ireland.

SCHEDULE

CONSEQUENTIAL AMENDMENTS

Transport Act 1982 (c. 49)

- 1 (1) Section 8 of the Transport Act 1982 (private-sector vehicle testing) is amended as follows.
- (2) In subsection (7)—
- (a) in paragraph (a), after “approved testing authorities” there is inserted “, authorised inspectors”, and
 - (b) in paragraph (b), after “authorised inspectors” there is inserted “and approved assistants”.
- 2 In section 10 of the Transport Act 1982 (provisions supplementary to section 8), in subsection (2)—
- (a) in paragraph (a), for “any authorised inspector”, there is substituted “any authorised inspector or approved assistant,”,
 - (b) after paragraph (a) there is inserted—
 - “(aa) in section 46(1)(j) (payment of charges), for the words “or designated councils” there shall be substituted the words “, designated councils or approved testing authorities”,”; and
 - (c) for paragraphs (b) and (c) there is substituted—
 - “(b) in section 46(1)(k) (keeping of registers of test certificates), after the words “designated councils” there shall be inserted the words “and, in the case of examinations carried out by authorised inspectors or approved assistants, by approved testing authorities”;
 - (c) in section 46(1)(l) (keeping of records), for the words “and designated councils” there shall be substituted the words “, designated councils and approved testing authorities”;
 - (d) in section 46(3)(a) (supervision), for the words “or designated councils,” there shall be substituted the words “, designated councils or approved testing authorities,”.

Road Traffic Act 1988 (c. 52)

- 3 For section 177 of the Road Traffic Act 1988 there is substituted—

“177 Impersonation of authorised examiner, etc

A person is guilty of an offence if, with intent to deceive, he falsely represents himself—

- (a) to be, or to be employed by, a person authorised in accordance with regulations made under section 41 of this Act with respect to the checking and sealing of speed limiters, or
- (b) to be a person entitled under section 45 of this Act to carry out examinations of vehicles under that section.”