



# Road Traffic Act 1972

## 1972 CHAPTER 20

### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

##### *General provisions*

#### **47 Approval of design, construction, etc., of goods vehicles**

- (1) Without prejudice to section 40 of this Act, the Secretary of State may by regulations prescribe requirements (hereinafter in this Part of this Act referred to as "type approval requirements") with respect to the design, construction, equipment and marking of goods 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.
- (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 goods vehicles of any class.
- (3) In this Part of this Act—
  - (a) references to design weights shall be construed as references to weights determined by virtue of subsection (2) above; and
  - (b) "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.
- (4) Where the Secretary of State is satisfied on application made to him by the manufacturer of a goods vehicle of a class to which regulations under this section 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,

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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 and, if so, shall issue a certificate (hereafter 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 the permitted variations from the type vehicle and the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.

In the following provisions of this section and in section 48 of this Act " conform " means conform in all respects or with any permitted variation.

- (5) A manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each goods 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 (hereafter in this Part of this Act referred to as a " manufacturer's certificate ") stating that it does so conform and specifying the design weights for the vehicle, and shall in such cases as may be prescribed specify in the certificate one or more of the plated weights for the vehicle.
- (6) Where a manufacturer issues a manufacturer's certificate for a vehicle, the Secretary of State shall, on an application made by any person containing such information as he may require with respect to the proposed circumstances of operation of the vehicle and on production of that certificate, specify in the certificate any plated weights for the vehicle not so specified by the manufacturer.
- (7) Where a manufacturer issues a manufacturer's certificate for a vehicle then—
  - (a) if he is required by subsection (5) above to specify any plated weights for the vehicle in the certificate, he shall mark those weights on the vehicle by means of a plate fixed to it;
  - (b) in any other case the Secretary of State shall on an application for the purpose secure that those weights are so marked.
- (8) Where the Secretary of State is satisfied, on application made to him by any person in respect of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle, that the vehicle complies with the relevant type approval requirements and the Secretary of State has sufficient information to enable the plated weights to be ascertained for the vehicle he may issue a certificate (hereafter in this Part of this Act referred to as a " Minister's approval certificate ") stating that the vehicle complies with those requirements and specifying its design weights and plated weights and, where he issues such a certificate, shall secure that the plated weights are marked on the vehicle by means of a plate fixed to it.
- (9) Subject to the provisions of subsection (10) 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, and—
  - (a) a further type approval certificate may be issued by virtue of this subsection on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references in this section and section 48 of this Act to a manufacturer shall be construed accordingly ;
  - (b) any manufacturer's certificate issued in consequence of any type approval certificate issued by virtue of this subsection shall relate only to the requirement or requirements to which that type approval certificate relates;

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- (c) where a manufacturer's certificate 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.
- (10) The first type approval certificate issued for a type vehicle by virtue of subsection (9) above shall specify the design weights for conforming vehicles, and accordingly—
- (a) so much of subsections (4), (5), (6) and (7) above as requires the Secretary of State or a manufacturer to specify in any certificate under this 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 shall not apply to a subsequent type approval certificate issued by virtue of subsection (9) above or to the manufacturer's certificates issued in consequence of such a type approval certificate ;
  - (b) so much of subsection (8) above 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 shall not apply to a Minister's approval certificate issued by virtue of subsection (9) above.
- (11) Where a Minister's approval certificate is given as respects an imported goods vehicle and the Secretary of State is satisfied on the application of the importer of the vehicle and after the consideration of such evidence as he thinks necessary that any other goods vehicle imported by the 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 and, where he issues such a certificate, shall specify the plated weights which are to be marked on the other vehicle.
- (12) Subsection (11) above shall apply in relation to goods vehicles brought into Great Britain from Northern Ireland as it applies in relation to imported goods vehicles, and references in that subsection to the importer shall be construed accordingly.
- (13) Where the Secretary of State determines on an application under this section not to issue a type approval certificate or a Minister's approval certificate in respect of a goods vehicle, he shall give to the applicant a written notification of the determination, stating the grounds on which it is based.