



# Road Traffic Act 1972

## 1972 CHAPTER 20

### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

##### *General provisions*

#### **54 Remediying of defects discovered on roadside tests**

- (1) Where on testing a motor vehicle under section 53 of this Act it appears to an authorised examiner that there is a defect in the vehicle by reason that the vehicle does not comply with a construction and use requirement applicable to the vehicle, he may, whether or not the requirement is one mentioned in subsection (1) of that section and whether or not proceedings are instituted for a breach of the requirement, give a notice in writing to the person who is then the owner of the vehicle specifying the defect and the requirement in question and requiring him to give to the Secretary of State within the permitted period a certificate complying with subsection (3) below or a declaration complying with subsection (4) below.
- (2) On testing a motor vehicle as aforesaid 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.
- (3) A certificate under this section shall contain—
  - (a) a statement signed by the person to whom the notice under this section was given that he has taken steps to secure that repairs for the purpose of remedying the defects specified in the notice have been carried out at a vehicle testing station or to secure 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 43 of this Act that the signatory has either carried out any such repairs or examined the vehicle for the purpose of ascertaining

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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whether those repairs have been carried out and that in his opinion the vehicle complies with the construction and use requirement specified in the notice.

- (4) A declaration under this section shall be signed by the person to whom the notice under this section was given and shall 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 thereafter on a road in Great Britain.
- (5) 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 shall be guilty of an offence.
- (6) A person who fails to comply with a requirement imposed on him by an authorised examiner under subsection (2) above shall be guilty of an offence.
- (7) 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 (3)(a) above have been carried out and with respect to the making of statements under subsection (3)(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 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 (3)(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.
- (8) 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.