



Transport Act 1982

1982 CHAPTER 49

PART II

TESTING, MARKING AND APPROVAL OF VEHICLES

Miscellaneous and supplemental

16 Special provision with respect to periodical tests of certain public service vehicles

In section 44 of the 1972 Act (obligatory test certificates for vehicles other than goods vehicles to which section 45 applies), after subsection (10) there shall be inserted the following subsection—

“(10A) The Secretary of State may by regulations make provision for the issue, in such circumstances as may be prescribed, of a certificate of temporary exemption in respect of a public service vehicle adapted to carry more than eight passengers, exempting that vehicle from the provisions of subsection (1) above for such period as may be specified in the certificate; and in relation to any public service vehicle so adapted—

- (a) subsections (9) and (10) above shall have effect with the substitution of the words " two months " for the words " one month " in each of those subsections ; and
- (b) subsection (10) above shall have effect with the substitution of the words " last two months " for the words " last month ".

In this subsection " public service vehicle " has the same meaning as in the Public Passenger Vehicles Act 1981.”.

17 Determination of plated weights by prescribed testing authority for vehicles subject to type approval

(1) In section 47 of the 1972 Act (type approval)—

- (a) in subsections (6), (7)(b) and (10)(a), after the words " the Secretary of State " there shall be inserted the words " or the prescribed testing authority "; and

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- (b) in subsection (6), for the word " he " there shall be substituted the words " the Secretary of State or that authority ".

(2) The following section shall be substituted for section 49 of the 1972 Act (appeals)—

“49 Appeals.

- (1) A person aggrieved by a determination made on behalf of the Secretary of State with respect to a type approval certificate, a certificate of conformity or Minister's approval certificate under section 47 or 48 of this Act, including any determination with respect to design weights or plated weights, may appeal to the Secretary of State.
- (2) A person aggrieved by a determination made by the prescribed testing authority with respect to the plated weights for any goods vehicle may appeal to the Secretary of State.
- (3) Any appeal under this section must be made within the prescribed time and in the prescribed manner; and on any such appeal the Secretary of State shall have—
- (a) in a case within subsection (1) above, the like powers and duties as he has on an original application for a type approval or Minister's approval certificate or in respect of the plated weights to be included in a certificate of conformity; and
 - (b) in a case within subsection (2) above, the like powers and duties as he would have had if the application in respect of the plated weights for the goods vehicle concerned had been made to him.
- (4) The Secretary of State may hold an inquiry in connection with any appeal under this section and may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.”.
- (3) In section 49A(2) of the 1972 Act (exclusion of application to vehicle parts of provisions relating solely to goods vehicles or design weights), the following shall be inserted after paragraph (b)—

“and

- (c) in section 49, subsection (2)”.

(4) In section 50 of that Act (regulations for the purposes of sections 47 to 49A and supplementary provisions), the following subsection shall be inserted after subsection (D)—

“(1A) Without prejudice to the generality of subsection (1) above, regulations made under this section for the purposes of sections 47 to 49A of this Act may provide—

- (a) for the fees to be payable on any application for a determination by the prescribed testing authority of any plated weights for a goods vehicle; and
- (b) for the issue by the prescribed testing authority of plates for marking on goods vehicles any plated weights, whether determined by that authority or not (including in particular the issue of such plates on behalf of the Secretary of State for the purposes of section 47(8)) and

for the fees to be payable to that authority for the issue of any such plates.”;

and in subsection (4)(a) of that section, for the words "subsection (1) above" there shall be substituted the words this section ”.

18 Alteration of plated weights for goods vehicles without examination

The following section shall be inserted after section 51 of the 1972 Act—

“51A Alteration of plated weights for goods vehicles without examination.

- (1) The Secretary of State may by regulations make provision—
 - (a) for the determination, in such circumstances as may be prescribed, of the plated weights (or any of the plated weights) for goods vehicles of any prescribed class otherwise than on an examination under regulations made under section 45 or 50 of this Act; and
 - (b) for the amendment of any approval certificate in force in respect of a vehicle of any such class so as to specify the weights determined for that vehicle under the regulations in place of any weights superseded by those weights or the cancellation of any such certificate and the issue in place of it of a different certificate specifying the weights so determined in place of any weights so superseded.
- (2) Any person aggrieved by a determination of plated weights for a goods vehicle under regulations made under this section may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be examined by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.
- (3) Without prejudice to the generality of subsection (1) above, regulations under this section—
 - (a) may provide for the determination of any plated weights for a goods vehicle under the regulations to be made by the Secretary of State or by the prescribed testing authority;
 - (b) may contain the like provisions with respect to any appeal brought by virtue of subsection (2) above and any examination on any such appeal as may be contained in any regulations made by virtue of paragraphs (c), (g) and (h) of section 45(6) of this Act in relation to an appeal under subsection (3) of that section and any examination on any such appeal;
 - (c) may specify the manner in which, and the time before or within which, applications may be made for the determination of plated weights of vehicles under the regulations, and the information to be supplied and documents to be produced on any such application ;
 - (d) may make provision as to the fees to be paid on any such application ;
 - (e) may provide for the issue of replacements for any plates fixed to a vehicle specifying weights superseded by weights specified in an approval certificate amended under the regulations or in any certificate issued under the regulations in place of an approval certificate, and for the payment of a fee for their issue; and
 - (f) may make different provision for different cases.

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- (4) In this section " approval certificate " means a plating certificate and any certificate of conformity or Minister's approval certificate specifying any plated weights.
- (5) Any certificate issued in respect of a goods vehicle under regulations made under this section in replacement of an approval certificate of any description mentioned in subsection (4) above—
- (a) shall be in the form appropriate for an approval certificate of that description ;
 - (b) shall be identical in content with the certificate it replaces, save for any alterations in the plated weights authorised by the regulations ; and
 - (c) shall be treated for the purposes of this Part of this Act (including this section) and any regulations made under any provision of this Part of this Act as if it were the same certificate as the certificate it replaces ;
- and any plate so issued in replacement of a plate fixed to the vehicle under section 47 of this Act shall, when fixed to the vehicle, be treated as so fixed under that section.”.

19 Prohibitions under section 57 of the 1972 Act

- (1) In section 57(3) of the 1972 Act (immediate effect, in certain cases, of prohibition to drive unfit goods vehicle), for the words " will create an immediate risk to public safety " there shall be substituted the words " would involve danger to any person " .
- (2) A goods vehicle examiner (or an authorised inspector, if the terms of his authorisation so provide) shall have power to cancel a direction under section 57(4A) (direction making prohibition on driving a vehicle irremovable unless and until the vehicle has been inspected at an official testing station); and accordingly, at the end of subsection (6) of that section (variation of notice of prohibition) there shall be added the words " or cancel a direction under subsection (4A) above with which the prohibition was imposed " .
- (3) In section 57(9) the following paragraphs shall be substituted for paragraph (a) (offence to drive or cause or permit a goods vehicle to be driven in contravention of a prohibition)—
- “(a) knowingly drives a goods vehicle on a road in contravention of a prohibition under this section ; or
 - (aa) subject to subsection (9A) below, causes or permits a goods vehicle to be driven on a road in contravention of such a prohibition ; or”;
- and the following subsection shall be inserted after that subsection—
- “(9A) It shall be a defence for a person charged with an offence under subsection (9) (aa) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of any offence under that provision.”.

20 Substitution of new section for section 58 of the 1972 Act

The following section shall be substituted for section 58 of the 1972 Act—

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“58 Removal of prohibition of driving unfit goods vehicle.

- (1) Subject to any subsisting direction under section 57(4A) of this Act, a prohibition under that section may be removed by any goods vehicle examiner or authorised inspector if he is satisfied that the vehicle is fit for service.
- (2) A person aggrieved by the refusal of a goods vehicle examiner or authorised inspector to remove a prohibition may, within the prescribed time, in the prescribed manner and on payment of the prescribed fee, appeal to the Secretary of State; and on any such appeal the Secretary of State shall cause an examination to be made by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.
- (3) Any determination made by the Secretary of State on an appeal under subsection (2) above shall be binding on the goods vehicle examiner or authorised inspector ; and if the Secretary of State allows the appeal he may repay the whole or part of the fee paid on the appeal.
- (4) Where a goods vehicle examiner or authorised inspector removes a prohibition, he shall forthwith give notice of the removal to the owner of the vehicle and, in the case of an authorised vehicle within the meaning of Part V of the Transport Act 1968, to the licensing authority by whom the operator's licence (within the meaning of Part V) was granted for the vehicle.
- (5) The Secretary of State may provide and maintain stations where inspections of goods vehicles for the purposes of this section may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (6) The Secretary of State may by regulations—
 - (a) prescribe anything which may be prescribed under subsection (2) above ;
 - (b) make provision for regulating the procedure on appeals to him under that subsection; and
 - (c) make provision as to the fees to be paid for inspection of vehicles brought to an official testing station for inspection with a view to removal of a prohibition.
- (7) Payment of a fee prescribed by regulations made by virtue of subsection (6)(c) above may be required (by the Secretary of State or other person to whom in accordance with the regulations it is payable) to be made in advance; and the Secretary of State shall ensure that the scales and rates of fees so prescribed are reasonably comparable with the fees charged under section 45(6) of this Act in respect of the periodic examination of goods vehicles.
- (8) Any removal of a prohibition shall be made by notice in writing.”.

21 Amendments with respect to appeals

- (1) Any examination of a vehicle on an appeal to the Secretary of State under section 43(4) of the 1972 Act (appeal against refusal of test certificate) shall be carried out by an officer of the Secretary of State; and accordingly, in that subsection, after the word

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" made " there shall be inserted the words " by an officer of the Secretary of State appointed by him for the purpose ".

- (2) Any appeal from a determination made on an examination under regulations made under section 45 of the 1972 Act shall be made direct to the Secretary of State (instead of in the first place to an area mechanical engineer and from him to the Secretary of State); and accordingly—
- (a) in subsection (3) of that section (appeal to area mechanical engineer), for the words following " may appeal there shall be substituted the words " to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be re-examined by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the re-examination as he thinks fit "; and
 - (b) subsection (4) of that section (further appeal to the Secretary of State) shall be omitted.
- (3) In section 9(8) of the 1981 Act (removal of prohibition on driving unfit public service vehicle and application for review by a certifying officer of a public service vehicle examiner's refusal to remove a prohibition) the words from " and a person aggrieved " to the end shall be omitted.
- (4) In section 50 of that Act (appeals to the Secretary of State)—
- (a) after subsection (5) there shall be inserted the following subsection—

“(5A) A person aggrieved by the refusal of the prescribed testing authority to approve a vehicle as a type vehicle under section 10 of this Act or by the withdrawal by that authority under that section of such approval may appeal to the Secretary of State”;
 - (b) after subsection (6) (which provides for an appeal to the Secretary of State against the refusal of a certifying officer to issue a certificate of initial fitness or a certificate of conformity to type) there shall be inserted the following subsections—

“(6A) A person aggrieved by the refusal of a certifying officer or public service vehicle examiner or by the refusal of an authorised inspector to remove a prohibition under section 9(1) of this Act may appeal to the Secretary of State.

(6B) On any appeal under subsection (5A), (6) or (6A) above the Secretary of State shall cause an examination of the vehicle concerned to be made by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.”; and
 - (c) in subsection (10) (directions of Secretary of State to give effect to his decision on an appeal), for the words from " traffic commissioners " to " certifying officer " (in both places) there shall be substituted the words " authority concerned " and, at the end of that subsection, there shall be inserted the words—

“In this subsection, " authority concerned" means the traffic commissioners, prescribed testing authority, certifying officer, public service vehicle examiner or authorised inspector, as the case may be”.

- (5) In section 60 of the 1981 Act (general power to make regulations for the purposes of the Act), the following paragraph shall be substituted for paragraph (e) of subsection (1)—

“(e) the fees to be payable under this Act, the persons liable to pay the same, and the repayment, in such circumstances as may be prescribed, of fees so payable on appeal to the Secretary of State ;”.

22 Fees on notification of alterations notifiable under section 45 or 48 of the 1972 Act

- (1) The following paragraph shall be inserted after paragraph (a) of section 45(6) of the 1972 Act (specific matters with which regulations under that section may deal)—

“(aa) require the payment of a fee on any notification of any alteration to a vehicle or its equipment which is required by the regulations to be notified to the Secretary of State or the prescribed testing authority ;”.

- (2) For paragraph (d) of section 50(1) of that Act (power to make provision in relation to examinations, etc., following the notification of alterations notifiable under section 48 of that Act corresponding to provision authorised under certain paragraphs of section 45(6)) there shall be substituted the following paragraph—

“(d) may contain the like provisions with respect to any notification of any such alteration as is mentioned in paragraph (a) above, with respect to any examination of any vehicle in pursuance of regulations made by virtue of that paragraph and with respect to any appeal brought by virtue of paragraph (c) above as may be contained in regulations made by virtue of paragraphs (aa), (b), (c), (g) and (h) of section 45(6) of this Act in relation to the notifications, examinations and appeals there mentioned;”.

23 Forgery and misuse of documents etc.

- (1) A person who, with intent to deceive—

- (a) uses or lends to, or allows to be used by, any other person, a document evidencing the authorisation of a person as an authorised inspector ; or
- (b) makes or has in his possession any document so closely resembling a document evidencing such an authorisation as to be calculated to deceive ; or
- (c) in Scotland, forges or alters a document evidencing such an authorisation;

shall be liable—

- (i) on conviction on indictment, to imprisonment for a term not exceeding two years ;
- (ii) on summary conviction, to a fine not exceeding the statutory maximum.

- (2) In subsection (1) above, " statutory maximum "—

- (a) as respects England and Wales, means the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (at the passing of this Act £1,000); and
- (b) as respects Scotland, means the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000).

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- (3) In section 169 of the 1972 Act (forgery of documents etc.), in subsection (2) the following paragraph shall be inserted after paragraph (c)—
 “(cc) any notice removing a prohibition under section 57 of this Act;”.
- (4) In section 65 of the 1981 Act (forgery of documents etc.), in subsection (1) the following paragraph shall be inserted after paragraph (b)—
 “(bb) a notice removing a prohibition under section 9 of this Act;”.

24 Falsification of documents

- (1) The following section shall be substituted for section 171 of the 1972 Act (issue of false documents)—

“171 Falsification of documents.

- (1) A person shall be guilty of an offence who issues—
- (a) any such document as is referred to in paragraph (a) or (b) of section 170(6) of this Act;
 - (b) a test certificate, plating certificate, goods vehicle test certificate or certificate of conformity ;
 - (c) a certificate of temporary exemption under regulations made under section 44(10A) or 46(5)(b) of this Act; or
 - (d) a notice removing a prohibition under section 57 of this Act;
- if the document or certificate so issued is to his knowledge false in a material particular.
- (2) A person who amends a certificate of conformity shall be guilty of an offence if the certificate as amended is to his knowledge false in a material particular.
- (3) Expressions used in subsections (1)(b) and (2) above have the same meanings as they respectively have for the purposes of Part II of this Act.”.
- (2) In section 173(2) of that Act (seizure of documents etc. suspected of being false)—
- (a) for the words from " a certifying officer " to " this Act " there shall be substituted the words " a certifying officer or a public service vehicle examiner appointed under the Public Passenger Vehicles Act 1981, an examiner appointed under section 56 of this Act or an authorised inspector under section 8 of the Transport Act 1982 " .; and
 - (b) in paragraph (b), after the words " plating certificates " there shall be inserted the words " notices removing prohibitions under section 57 of this Act " .
- (3) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences)—
- (a) in column one of the entry relating to section 171, for " 171 " there shall be substituted " 171(1) "; and
 - (b) after that entry there shall be inserted the following entry—

“171(2)	Falsely amending certificate of conformity.	Summarily.	£500.	—	—	Section 180 applies.”.
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(4) The following section shall be inserted after section 66 of the 1981 Act—

“66A Issue of false documents.

- (1) If a person issues—
 - (a) a certificate of initial fitness under section 6 of this Act; or
 - (b) a notice removing a prohibition under section 9(1) of this Act;which he knows to be false in a material particular, he shall be liable on summary conviction to a fine not exceeding £500.
- (2) If a constable, a certifying officer, a public service vehicle examiner or an authorised inspector has reasonable cause to believe that a document produced to him or carried on a vehicle by its driver is a document in relation to which an offence has been committed under this section, he may seize the document.
- (3) The power to seize a document under subsection (2) above includes power to detach a document carried on a vehicle from the vehicle.”.

25 Impersonation of authorised inspector

A person who, with intent to deceive, falsely represents himself to be an authorised inspector shall be liable on summary conviction to a fine not exceeding £200.

26 Interpretation of Part II

In this Part of this Act—

" the 1981 Act" means the Public Passenger Vehicles Act 1981;

" approved testing authority " and " authorised inspector " have the meanings respectively given by section 8(3) and (4) of this Act;

" business " includes any activity carried on by a body of persons, whether corporate or unincorporate ;

" goods vehicle " has the meaning given by section 196 of the 1972 Act;

" goods vehicle examiner " has the meaning given by section 56(1) of the 1972 Act; and

" vehicle testing business " has the meaning given by section 8(1) of this Act; and references to the testing and surveillance functions are references to the functions specified in section 9 of this Act.