

Status: This version of this provision is prospective.

Changes to legislation: Transport Act 1982, Section 9 is up to date with all changes known to be in force on or before 28 May 2023. 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) View outstanding changes



Transport Act 1982

1982 CHAPTER 49

PART II

TESTING, MARKING AND APPROVAL OF VEHICLES

Provision for private-sector plating and testing

PROSPECTIVE

9 The testing and surveillance functions.

The functions referred to in section 8(1) of this Act are set out below in this section under the heading of the Act under which they arise (taking references to sections, unless otherwise indicated, as references to sections of that Act).

[^{F1}Functions under the 1988 Act]

^{F1}Any determination under regulations made under [^{F2}section 41] (construction and use regulations) of the suitability for operation in any particular manner (in terms of construction or design) of any public service vehicle (as defined by section 1 of the 1981 Act).

The carrying out or supervision of examinations and the issue or refusal of test certificates under regulations made under [^{F2}section 45] (periodical tests of vehicles not subject to goods vehicle tests).

The issue of certificates of temporary exemption under regulations made under [^{F2}section 48(4)] (exemption of certain public service vehicles from requirement of test certificate).

The carrying out or supervision of examinations and the issue or refusal of certificates under regulations made under [^{F2}section 49] (examinations for plating and periodical tests of satisfactory condition of certain goods vehicles).

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The issue of certificates of temporary exemption under regulations made under [F²section 53(5)(b)] (exemption from requirements with respect to plating certificates and goods vehicle test certificates).

The carrying out or supervision of, or the making of any requirement with respect to, the examination of a vehicle under regulations made under [F²section 61] (regulations for the purposes of type approval requirements).

The cancellation, suspension or amendment, on any examination of a vehicle carried out under regulations made under [F²section 61], of any certificate of conformity or Minister's approval certificate for the vehicle.

[F³The power of entry, inspection and detention of vehicles under section 68, but only in relation to vehicles brought to the place of inspection in pursuance of a direction given by a vehicle examiner or a constable under subsection (3) of that section.]

The functions under [F²sections 69, [F⁴69A,] 70 and 72] (imposition and removal of prohibitions on the driving of [F⁵vehicles]), with the exception of imposing and removing prohibitions under [F²section 70(2)] (vehicles exceeding weight limits).

Functions under the 1981 Act

The carrying out or supervision of examinations and the issue or refusal of certificates for the purposes of section 6(1)(a) (certificates of initial fitness for public service vehicles) under regulations made under subsection (1A) of that section.

F⁶
. . . .

The carrying out or supervision of examinations and the issue or refusal of certificates under section 10 (certificates of conformity to type for public service vehicles).

The carrying out or supervision of examinations under regulations made under section 20(2A) (examination of public service vehicles in certain circumstances in the event of failure, damage or alteration).

The determination under regulations made under section 26 (control of number of passengers) of the number of seated passengers and standing passengers respectively—

- (a) that a vehicle is constructed or adapted or fit to carry; or
- (b) that may be carried in a vehicle.

Functions under the Road Traffic (Foreign Vehicles) Act 1972

Any functions under sections 1 and 2 (imposition and removal of prohibitions on driving of foreign vehicles), so far as exercisable in, or on the removal or remedying of, any of the circumstances mentioned in paragraph (a) or (in relation to a contravention of any provision of, or of regulations under, [F⁷the 1988 Act]) paragraph (b) of section 1(2).

Textual Amendments

- F1** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), s. 4, Sch. 2 Pt. 1 para. 3\(1\)](#)

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- F2** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. 1 para. 3(1)**
- F3** Words in s. 9 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 18(2)(a)**; S.I. 1992/1286, **art. 2**,Sch.
- F4** Word in s. 9 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 18(2)(b)**; S.I. 1992/1286, **art. 2**,Sch.
- F5** Word in s. 9 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 18(2)(b)**; S.I. 1992/1286, **art. 2**,Sch.
- F6** Paragraph in s. 9 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, **Sch. 4 para. 18(3)** and Sch.8; S.I. 1992/1286, **art. 2**,Sch.
- F7** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. 1 para. 3(2)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(2)(b)-(d) substituted for s. 10(2)(b)(c) by [1999 c. 12 Sch. para. 2\(c\)](#)
- s. 10(2)(aa) inserted by [1999 c. 12 Sch. para. 2\(b\)](#)
- s. 70(2)(a)(iA) repealed by [2012 c. 5 Sch. 14 Pt. 9](#)