Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Tests of vehicles other than goods vehicles to which section 49 applies

45 Tests of satisfactory condition of vehicles.

(1) This section applies to motor vehicles other than goods vehicles which are required by regulations under section 49 of this Act to be submitted for a vehicle test under that section and has effect for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with.

(2) The Secretary of State may by regulations make provision—

(a) for the examination of vehicles submitted for examination under this section, and

(b) for the issue, where it is found on such an examination that the requirements mentioned in subsection (1) above are complied with, of a certificate (in this Act referred to as a “test certificate") that at the date of the examination the requirements were complied with in relation to the vehicle.

(3) Examinations for the purposes of this section shall be carried out by—

(a) persons, not being officers of the Secretary of State, authorised for those purposes by the Secretary of State (in this section and section 46 of this Act referred to as “authorised examiners”),

(b) inspectors appointed by the Secretary of State, or

(c) inspectors 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 the council of a region or islands area.

Status: *Point in time view as at 04/07/1991. This version of this provision has been superseded.*
Changes to legislation: *Road Traffic Act 1988, Section 45 is up to date with all changes known to be in force on or before 24 June 2024. 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)*

(4) Where a test certificate is refused, the examiner or inspector must issue a notification of the refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Secretary of State.

(5) On any such appeal the Secretary of State must cause a further examination to be made and either issue a test certificate or issue a notification of the refusal stating the grounds of the refusal.

(6) For the purposes of their functions under this section the Secretary of State or a council designated for the purposes of this section may provide and maintain—
  (a) stations where examinations under this section may be carried out, and
  (b) apparatus for carrying out such examinations.

(7) The Secretary of State may make regulations under this section for the purpose of giving effect to this section and for prescribing anything authorised by this section and section 46 of this Act to be prescribed.

(8) In its application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this section shall have effect as if any reference to prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment included a reference to the prescribed requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.

Subordinate Legislation Made

P1 S. 45 (with ss. 46 and 47(5)): power exercised by S.I. 1991/253
S. 45 (with s. 46): power exercised by S.I. 1991/455
For previous exercises of power under s. 45 see Index to Government Orders

P2 S. 45: s. 45 (with s. 46) power exercised (4.7.1991) by S. I.1991/1525 and (7.10.1991) by S.I.1991/2229

P3 S. 45 (with s. 46) power exercised (9.12.1991) by S.I.1991/2791

Status:
Point in time view as at 04/07/1991. This version of this provision has been superseded.

Changes to legislation:
Road Traffic Act 1988, Section 45 is up to date with all changes known to be in force on or before 24 June 2024. 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.