

SCHEDULES

SCHEDULE 2

RE-ENACTMENT OR AMENDMENT OF CERTAIN ENACTMENTS NOT BROUGHT INTO FORCE

PART I

TESTING, MARKING AND APPROVAL OF VEHICLES

- 1 In section 2(3B) of the Road Traffic (Foreign Vehicles) Act 1972 (as amended by paragraph 9 of Schedule 3 to this Act), for “section 72(9) of the Road Traffic Act 1988” there is substituted “section 72(6)(c) and (7) of the Road Traffic Act 1988”.
- 2 Part II of the Transport Act 1982 is amended as shown in paragraphs 3 to 14 below.
- 3 (1) In section 9, for the cross-heading “Functions under the 1972 Act” there is substituted “Functions under the 1988 Act” and in the paragraphs under that cross-heading—
for “section 40” there is substituted “section 41”,
for “section 43” there is substituted “section 45”,
for “section 44(10A)” there is substituted “section 48(4)”,
for “section 45” there is substituted “section 49”,
for “section 46(5)(b)” there is substituted “section 53(5)(b)”,
for “section 50” (in both places) there is substituted “section 61”,
for “section 56(2)(a)” there is substituted “section 68(3)(b)” and for “subsection (4) of that section” there is substituted “subsection (5) of that section”,
for “sections 57 and 58” there is substituted “sections 69, 70 and 72”,
for “section 57(7)” there is substituted “section 70(2)”.
- (2) In section 9, in the paragraph under the cross-heading “Functions under the Road Traffic (Foreign Vehicles) Act 1972”, for “the 1972 Act” there is substituted “the 1988 Act”.
- 4 (1) In section 10(2)—
(a) for “section 43 of the 1972 Act” there is substituted “sections 45 and 46 of the 1988 Act”,
(b) for “section 45” there is substituted “section 49”,
(c) for paragraph (a) there is substituted—
“(a) in section 45(3) (persons who may carry out examinations under that section), after paragraph (a) there is inserted—
“(aa) any authorised inspector”;
- (d) in paragraph (b), for “subsection (6)(g)” there is substituted “section 46(g)”,
and
(e) in paragraph (c), for “subsection (6)(h)” there is substituted “section 46(h)”.
- (2) In section 10(3)—

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- (a) for “section 45(6)(b) of the 1972 Act” there is substituted “section 51(1)(b) of the 1988 Act”,
 - (b) for “section 50(1)(a) of that Act” there is substituted “section 61(2)(a) of that Act”,
 - (c) for “section 57 of that Act” there is substituted “sections 69 and 73 of that Act” and the words “except in subsections (7) and (7A)” are omitted, and
 - (d) for “section 57 of the 1972 Act” there is substituted “section 69 of the 1988 Act”.
- (3) In section 10(6), for “section 56(2) of the 1972 Act” there is substituted “section 68(3) of the 1987 Act”.
- (4) In section 10(7)—
- (a) for “section 45(6)(a)(ii) and (d) of the 1972 Act” there is substituted “section 51(1)(a)(ii) and (d) of the 1988 Act”,
 - (b) for “section 46(3)” there is substituted “section 53(3)” and for “section 45” there is substituted “section 49”,
 - (c) for “section 51(3)” there is substituted “section 63(3)” and for “section 48” there is substituted “section 59”,
 - (d) for “subsections (2), (3) and (4) of section 48” there is substituted “section 59(1), (2) and (3)”.
- (5) In section 10(11), for paragraph (a) there is substituted—
- “(a) section 45, section 49 or section 61 of the 1988 Act; or”.
- (6) In section 10(12), for “section 43 or 45 of the 1972 Act” there is substituted “sections 45 or 49 of the 1988 Act”.
- 5 In section 13(9), for “section 45(9) of the 1972 Act” there is substituted “section 52(2) of the 1988 Act”.
- 6 (1) In section 17(1)—
- (a) for “section 47 of the 1972 Act” there is substituted “sections 55 and 57 of the 1988 Act”,
 - (b) for “subsections (6), (7)(b) and (10)(a)” there is substituted “sections 57(2) and (3)(b) and 55(6)(a)” and
 - (c) for “subsection (6)” there is substituted “section 57(2)”.
- (2) In section 17(2)—
- (a) for “section 49 of the 1972 Act” there is substituted “section 60 of the 1988 Act”,
 - (b) in the first line of the inserted section, for “49” there is substituted “60”,
 - (c) in subsection (1) of the inserted section, for “section 47 or 48” there is substituted “sections 54 to 59”,
 - (d) at the end of subsection (2) of the inserted section there is inserted—
- “This subsection does not apply in relation to vehicle parts.”
- (3) Section 17(3) is omitted.
- (4) In section 17(4)—
- (a) for “section 50” there is substituted “section 61”,
 - (b) for “sections 47 to 49A” (in both places) there is substituted “sections 54 to 60”,

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- (c) for “section 47(8)” there is substituted “section 58(2)”, and
 - (d) the words from “and in subsection (4)(a) of that section” to the end are omitted.
- 7 In section 18, for “section 51 of the 1972 Act” there is substituted “section 63 of the 1988 Act” and, in the inserted section—
- (a) in the first line, for “51A” there is substituted “ 63A”,
 - (b) for “section 45 or 50” there is substituted “section 49 or 61”,
 - (c) for “section 45(6)” there is substituted “section 51(1)” and for “subsection (3) of that section” there is substituted “section 50(1)”, and
 - (d) for “section 47” there is substituted “section 57 or 58”.
- 8 In section 19—
- (a) in subsection (1), for “section 57(3) of the 1972 Act” there is substituted “section 69(3) of the 1988 Act”,
 - (b) in subsection (2), for “section 57(4A)” there is substituted “section 69(5)”, for “subsection (6)” there is substituted “subsection (7)” and for “subsection (4A)” there is substituted “subsection (5)”, and
 - (c) in subsection (3), for “section 57(9)” there is substituted “section 71(1)”, for “(9A)” (in both places) there is substituted “(1A)” and for “(9)(aa)” there is substituted “(1)(aa)”.
- 9 In section 20, for “section 58 of the 1972 Act” there is substituted “section 72 of the 1988 Act” and, in the substituted section—
- (a) in the first line, for “58” there is substituted “ 72”,
 - (b) in subsection (1), for “57(4A)” there is substituted “ 69(5)” and for “that section” there is substituted “section 69 or 70 of this Act”,
 - (c) in subsection (7), for “section 45(6)” there is substituted “section 51(1)”.
- 10 In section 21—
- (a) in subsection (1), for “section 43(4) of the 1972 Act” there is substituted “section 45(4) of the 1988 Act” and for “that subsection” there is substituted “section 45(5) of that Act”,
 - (b) in subsection (2), for “section 45 of the 1972 Act” there is substituted “section 49 of the 1988 Act”, for “subsection (3) of that section” there is substituted “section 50 of that Act”, after the words ““may appeal”” there is inserted “(in subsection (1)) down to the end of subsection (2)” and for “subsection (4) of that section” there is substituted “section 50(3) and (4)”.
- 11 In section 22—
- (a) in subsection (1), for “section 45(6) of the 1972 Act” there is substituted “section 51(1) of the 1988 Act”, and
 - (b) in subsection (2), for “section 50(1)” there is substituted “section 61(2)”, for “section 48” there is substituted “section 59” and for “section 45(6)” (in both places) there is substituted “section 51(1)”.
- 12 In section 23(3), for “section 169 of the 1972 Act” there is substituted “section 173 of the 1988 Act” and for “section 57” there is substituted “section 69 or 70”.
- 13 In section 24—
- (a) in subsection (1), for “section 171 of the 1972 Act” there is substituted “section 175 of the 1988 Act” and in the inserted section—
 - (i) in the first line, for “171” there is substituted “ 175”,

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- (ii) in subsection (1), for “section 170(6)” there is substituted “section 174(5)”, for “section 44(10A) or 46(5)(b)” there is substituted “section 48(4) or 53(5)(b)” and for “section 57” there is substituted “section 69 or 70”,
- (b) in subsection (2)—
- (i) for “section 173(2)” there is substituted “section 176”,
- (ii) in paragraph (a), at the beginning there is inserted “in subsection (4)” and for “section 56” there is substituted “section 68”, and
- (iii) in paragraph (b), at the beginning there is inserted “in subsection (5)” and for “section 57” there is substituted “section 69 or 70”, and
- (c) in subsection (3)—
- (i) for “Part I of Schedule 4 to the 1972 Act” there is substituted “Part I of Schedule 2 to the Road Traffic Offenders Act 1988”,
- (ii) in paragraph (a), for the first “171” there is substituted “175 of the 1988 Act” and for “171” (in the other two places) there is substituted “175”,
- (iii) in paragraph (b), for “171(2)” there is substituted “175(2)” and the words in the last column are omitted, and
- (iv) at the end of that subsection there is added—“and in Schedule 1 to the Road Traffic Offenders Act 1988, in the entry for section 175 of the Road Traffic Act 1988 there is added to the words in column 2 “falsely amending certificate of conformity””.
- 14 In section 26—
- (a) after the definition of “the 1981 Act” there is inserted—
- ““the 1988 Act” means the Road Traffic Act 1988”,
- (b) for “section 196 of the 1972 Act” there is substituted “section 192 of the 1988 Act”, and
- (c) for “section 56(1) of the 1972 Act” there is substituted “section 68(2) of the 1988 Act”.
- 15 In section 61(2) of the Road Traffic Act 1988—
- (a) at the end of paragraph (a) there is inserted “or designated under section 10(12) of the Transport Act 1982”, and
- (b) in paragraph (c), for “to (4)” there is substituted “and (2)”.
- 16 In section 84(4) of the Road Traffic Act 1988, for “72(9)” there is substituted “72”.
- 17 In section 85 of the Road Traffic Act 1988—
- (a) at the end of the definition of “official testing station” there is added “or premises designated by him under section 10(12) of the Transport Act 1982”,
- (b) following the definition of “prescribed” there is inserted—
- ““prescribed testing authority” means such approved testing authority as may be prescribed”, and
- (c) at the end of that section there is added—
- “(2) References in any provision of this Part of this Act to an authorised inspector are references to a person authorised by the Secretary

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of State under section 8 of the Transport Act 1982 to exercise the function to which that provision relates.”

- 18 In section 183 of the Road Traffic Act 1988—
- (a) in subsection (2), for “ 63” there is substituted “ 63A”, and
 - (b) in subsection (3), at the end of paragraph (a) there is inserted “or of authorised inspectors under section 8 of the Transport Act 1982”, and paragraph (b) is omitted.
- 19 In section 192(1) of the Road Traffic Act 1988, before the definition of “bridleway” there is inserted—
- ““approved testing authority” means a person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act”.
- 20 In section 13(1) of the Road Traffic Offenders Act 1988—
- (a) after “vehicles” there is inserted “or of any records maintained with respect to vehicles by an approved testing authority in connection with the exercise by that authority of any functions conferred on such authorities, or on that authority as such an authority, by or under any enactment”, and
 - (b) at the end of that subsection there is inserted “or (as the case may be) the approved testing authority”.