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Changes to legislation: Transport Act 1982, Section 10 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

10 Provisions supplementary to section 8.

- (1) To the extent that the terms of his authorisation so provide an authorised inspector shall have the duty to refuse any certificate or impose or remove any prohibition which he has power to refuse or (as the case may be) to impose or remove .
- (2) In [^{F1}sections 45 and 46 of the 1988 Act] (tests of satisfactory conditions of vehicles other than goods vehicles to which [^{F1}section 49] applies)—
 - [^{F2}(a) in section 45(3) (persons who may carry out examinations under that section), after paragraph (a) there is inserted—
 - “(aa) any authorised inspector”,]
 - (b) in subsection 6(g) (keeping of registers of test certificates), after the words “authorised examiners” there shall be inserted the words “and, in the case of examinations carried out by authorised inspectors, by approved testing authorities”; and
 - (c) in subsection 6(h) (keeping of records), for the words “and authorised examiners” there shall be substituted the words “authorised examiners and approved testing authorities”.
- [^{F3}(3) The words “or an authorised inspector” shall be inserted—
 - (a) in sections 51(1)(b) and 61(2)(a) of the 1988 Act, after the words “a vehicle examiner”, and
 - (b) in section 6(1)(a) and 10(2) of the 1981 Act, after the words “Act 1988”;

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and the words “or authorised inspector” shall be inserted after the word “examiner” wherever occurring in section 69 of the 1988 Act.]

- (4) In sections 1 and 2 of the ^{M1}Road Traffic (Foreign Vehicles) Act 1972—
- (a) the words “or an authorised inspector” shall be inserted after the words “an examiner” (in each place where they appear); and
 - (b) the words “or authorised inspector” shall be inserted after the words “the examiner” or “any examiner” (in each place where they appear).

^{F4}(5)

- (6) In [^{F5}section [^{F6}68(1)] of the 1988 Act] (powers of entry and inspection), the following words shall be inserted at the end—

“ and an authorised inspector may exercise the powers given by paragraph (a) above in relation to any vehicle brought to the place of inspection in pursuance of a direction under subsection [^{F6}(3)] below ”.

- (7) The words “or the prescribed testing authority” shall be inserted after the words “Secretary of State”—

- (a) in section 45(6)(a)(ii) and (d) of the 1972 Act (requirements with respect to the notification of alterations of goods vehicles to the Secretary of State and the specification of alterations required to be so notified in plating certificates);
- (b) in section 46(3) of that Act (offence to use vehicle where alteration not notified as required by regulations under section 45); and
- (c) in section 51(3) of that Act (offence to use vehicle where alteration not notified as required by regulations or directions under section 48);

and after those words (in the second place where they occur) in each of subsections (2), (3) and (4) of section 48 of that Act (requirements and directions with respect to the notification of alterations relevant to type and approval or plated weights).

- (8) In section 6 of the 1981 Act (certificates of initial fitness required for use as public service vehicles), the following subsection shall be inserted after subsection (1)—

“(1A) ^{F7}. . . Regulations may make provision with respect to the examination of vehicles for the purposes of subsection (1)(a) above by or under the direction of authorised inspectors and the issue or refusal of certificates of initial fitness by such inspectors on any such examinations.”.

- (9) In section 20 of that Act (duty of PSV operator to give information about his public service vehicles to traffic commissioners who granted his licence)—

- (a) for the words “to the traffic commissioners who granted the licence” in both subsections (1) and (2) (which relate respectively to failure or damage affecting safety and to structural alterations of vehicles) there shall be substituted the words “in accordance with regulations made by virtue of subsection (2A) below”; and
- (b) the following subsection shall be inserted after subsection (2)—

“(2A) Regulations may make provision—

- (a) for any report or notice required under subsection (1) or (2) above to be made or given to the Secretary of State or to the prescribed testing authority;
- (b) for requiring a public service vehicle to be submitted for examination in the event of any such failure or damage as is

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mentioned in subsection (1) above or any such alteration as is mentioned in subsection (2) above; and

- (c) for the examinations to be carried out under the regulations and, in particular, for authorising any such examination to be carried out by or under the direction of a [^{F8}an examiner appointed under section 66A of the Road Traffic Act 1988] or an authorised inspector.”.

- (10) References in any regulations made under any enactment relating to any of the testing and surveillance functions before this section comes into operation to a [^{F9}vehicle examiner] shall be read as including an authorised inspector authorised to exercise the function in question.

- (11) Subject to the qualification mentioned below, regulations made under—

- [^{F10}(a) section 45, section 49 or section 61 of the 1988 Act; or]
(b) section 6(1A), 10(4) or 20(2A) of the 1981 Act;

may include provision for the purpose of securing that private-sector examinations are properly carried out in accordance with the regulations, including (but without prejudice to the generality of the preceding provision) provision for the supervision or review of private-sector examinations by persons authorised for the purpose by or under the regulations.

No person other than an officer of the Secretary of State may be authorised by or under regulations so made to supervise or review an examination carried out in the course of a vehicle testing business carried on by a person other than his own employer.

In this subsection “private-sector examination” means, in relation to an examination under regulations so made, an examination carried out by or under the direction of an authorised inspector.

- (12) Without prejudice to any existing power of the Secretary of State to determine the premises at which examinations under [^{F11}sections 45 or 49 of the 1988 Act] may be carried out—

- (a) the Secretary of State may designate premises as stations where examinations of vehicles of any description subject to examination under either of those sections may be carried out; and
(b) regulations under either of those sections may require or authorise examinations of vehicles of any description specified in the regulations to be carried out at premises for the time being designated under this section as premises at which examinations of vehicles of that description may be carried out.

Textual Amendments

- F1** Words in s. 10(2) substituted (15.5.1989) by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 2 para. 4\(1\)\(a\)\(b\)](#)
- F2** S. 10(2)(a) substituted (15.5.1989) by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 2 para. 4\(1\)\(c\)](#)
- F3** S. 10(3) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 48](#), and Sch. 4 para. 19(2); [S.I. 1992/1286](#), [art. 2](#), Sch.
- F4** S. 10(5) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

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- F5** Words in s. 10(6) substituted (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 para. 4(3)**
- F6** Words in s. 10(6) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 19(3)**; S.I. 1992/1286, **art. 2**,Sch.
- F7** Words in s. 10(8) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, **art. 2**,Sch.
- F8** Words in s. 10(9) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 19(4)**; S.I. 1992/1286, **art. 2**,Sch.
- F9** Words in s. 10(10) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 19(5)**; S.I. 1992/1286, **art. 2**,Sch.
- F10** S. 10(11)(a) substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. 1 para. 4(5)**
- F11** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. 1 para. 4(6)**

Modifications etc. (not altering text)

- C1** The text of s. 10(2)–(9) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1972 c. 27.

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Changes and effects yet to be applied to :

- s. 10(2)(a) words substituted by [1999 c. 12 Sch. para. 2\(a\)](#)

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](#)