



Transport Act 1982

1982 CHAPTER 49

PART II

TESTING, MARKING AND APPROVAL OF VEHICLES

Miscellaneous and supplemental

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 " 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)—

Status: This is the original version (as it was originally enacted).

- (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 ;”.