



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Miscellaneous

83 Offences to do with reflectors and tail lamps.

A person who sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a vehicle in accordance with the provisions of this Act or of any regulations made under it, not being an appliance which complies with the construction and use requirements applicable to a class of vehicles for which the appliance is adapted, is guilty of an offence.

Modifications etc. (not altering text)

C1 S. 83 restricted (1.7.1992) by S.I. 1992/1217, [reg.7](#) (with [reg. 11](#)).

84 Appointment of officials and destination of fees.

- (1) Subject to the consent of the Treasury as to number, the Secretary of State may appoint such officers and servants as he considers necessary for the operation of the provisions of sections 68 to 73 of this Act.
- (2) There shall be paid to [^{F1}examiners appointed under section 66A] of this Act such remuneration or salaries and such allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.
- (3) In every year there shall be paid out of monies provided by Parliament such sums as the Secretary of State may, with the consent of the Treasury, direct in respect of the remuneration, salaries and allowances under subsection (2) above and the other expenses of examiners.

Status: Point in time view as at 01/10/2002.

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- (4) Any sum received by the Secretary of State in pursuance of sections 45, 46, 49 to 51, 54 to 62, 72(9) and 80 of this Act shall be paid into the Consolidated Fund.

Textual Amendments

- F1** Words in s. 84(2) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 60](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

85 Interpretation of Part II.

In this Part of this Act—

[^{F2}“the Community Recording Equipment Regulation” means Council Regulation (EEC) No. 3821/85 on recording equipment in road transport ^{M1} as it has effect in accordance with—

- (a) Commission Regulation (EEC) No. 3314/90^{M2};
- (b) Commission Regulation (EEC) No. 3688/92^{M3}; and
- (c) Commission Regulation (EC) No. 2479/95^{M4};

and as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986 ^{M5};

[^{F3}“EC certificate of conformity” means

- (a) [^{F4}in the case of a light passenger vehicle,] any certificate of conformity issued by a manufacturer—
 - (a) under regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
 - (b) under any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive,

which is expressed to be a certificate for a complete or completed vehicle

- (b) [^{F5}in the case of a vehicle to which the motorcycle type approval Directive applies, any certificate of conformity issued by a manufacturer under regulation 8(1) of the Motor Cycles Etc. (EC Type Approval) Regulations 1999 or under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval Directive;]

[^{F6F7}“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 ^{M6};

^{F6}“EEA State” means a state which is a contracting Party to the EEA Agreement;]

^{F8}

...

[^{F9}“light passenger vehicle” means any motor vehicle which—

- (a) has at least four wheels,
- (b) is equipped with an internal combustion engine,
- (c) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,
- (d) has no more than eight seats in addition to the driver’s seat, and
- (e) has a maximum design speed exceeding 25 kilometres per hour,

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but does not include a quadricycle within the meaning of Article 1(3) of the motorcycle type approval Directive or a vehicle used or intended for use for the purposes of a fire brigade (whether or not one maintained under the Fire Services Act 1947),

^{F9}“the light passenger vehicle type approval Directive” means Council Directive 70/156/EEC of 6th February 1970 on the approximation of the laws of the member States relating to the type-approval of motor vehicles and their trailers as amended by Council Directive 87/403/EEC of 25th June 1987 and Council Directive 92/53/EEC of 18th June 1992,

^{F9}“the motorcycle type approval Directive” means Council Directive 92/61/EEC of 30th June 1992 relating to the type-approval of two or three-wheel motor vehicles.]

“official testing station” means a testing station maintained by the Secretary of State under section [^{F10}72A] of this Act ,

“prescribed” means prescribed by regulations made by the Secretary of State,

[^{F11}“public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981,]

“sold or supplied by retail” means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration,

“tail lamp” means, in relation to a vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with regulations under section 41 of this Act,

“traffic area” has the same meaning as in the ^{M7}Public Passenger Vehicles Act 1981, and

“vehicle part” means any article which is a motor vehicle part, within the meaning of section 80 of this Act, and any other article which is made or adapted for use as part of, or as part of the equipment of, a vehicle which is intended or adapted to be used on roads but which is not a motor vehicle within the meaning of that section.

Textual Amendments

- F2** In s. 85 definition of "the Community Recording Equipment Regulation" substituted (25.4.1996) by S.I. 1996/941, **reg. 3**
- F3** In s. 85 definition of "EC certificate of conformity" inserted (1.1.1993) by S.I. 1992/3107, **regs. 1(2), 16, Sch. 2 para. 5(2)(a)**
- F4** In s. 85 in definition of "EC certificate of conformity" words inserted (30.11.1999) by S.I. 1999/2920, **reg. 19, Sch. 2 para. 4(2)(a)**
- F5** In s. 85 in definition of "EC certificate of conformity" para. (b) added (30.11.1999) by S.I. 1999/2920, **reg. 19, Sch. 2 para. 4(2)(b)**
- F6** In s. 85 definition of "EEA State" inserted (30.11.1999) by S.I. 1999/2920, **reg. 19, Sch. 2 para. 4(3)**
- F7** In s. 85 definition of "EEA Agreement" inserted (30.11.1999) by S.I. 1999/2920, **reg. 19, Sch. 2 para. 4(3)**
- F8** in s. 85 definition of "licensing authority" repealed (1.1.1996) by 1995 c. 23, s. 60(1)(2), Sch. 7 para. 13, **Sch. 8 Pt. I; S.I. 1995/2181, art. 2**
- F9** In s. 85 definitions of "light passenger vehicle", "the light passenger vehicle type approval Directive" and "the motorcycle type approval Directive" inserted (1.1.1993) by S.I. 1992/3107, **regs. 1(2), 16, Sch. 2 para. 5(2)(b)**
- F10** Word in s. 85 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 61(a); S.I. 1992/1286, art. 2, Sch.**

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F11 In s. 85 definition of "public service vehicle" inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 61(b)**; [S.I. 1992/1286](#), art. 2, **Sch.**

Marginal Citations

- M1** O.J. No. L370, 31.12.85, p.8.
M2 O.J. No. L318, 17.11.90, p.20.
M3 O.J. No. L374, 22.12.92, p.12.
M4 O.J. No. L256, 26.10.95, p.8.
M5 [S.I. 1986/1456](#); the relevant amending instruments are [S.I. 1987/805](#) and [S.I. 1988/760](#).
M6 Cmnd 2073 and 2183.
M7 [1981 c. 14](#).

86 Index to Part II.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

Certificate of conformity	[^{F12} Section 57(1A)]
Community Recording Equipment Regulation	Section 85
Construction and use requirements	Section 41(7)
Design weights	Section 54(3)
[^{F13} EC certificate of conformity]	[^{F13} Section 85]
Examination for plating	Section 49(4)
Goods vehicle examiner	Section 68(2)
Goods vehicle test	Section 49(4)
Goods vehicle test certificate	Section 49(2)(b)
^{F14}	^{F14}
...	...
[^{F15} Light passenger vehicle]	[^{F15} Section 85]
[^{F15} Light passenger vehicle type approval Directive]	^{F15} Section 85
Minister's approval certificate	Section 58(1)
[^{F15} Motorcycle type approval Directive]	[^{F15} Section 85]
Official testing station	Section 85
Plating certificate	Section 49(2)(a)
Plated particulars	Section 41(7)
Plated weights	Section 41(7)
Prescribed	Section 85
[^{F16} Public service vehicle]	[^{F16} Section 85]

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Relevant aspects of design, construction, equipment and marking	Section 54(6)
Sold or supplied by retail	Section 85
Tail lamp	Section 85
Test certificate	Section 45(2)
Traffic area	Section 85
Type approval certificate	Section 55(2)
Type approval requirements	Section 54(1)
[^{F16} Vehicle examiner]	[^{F16} Section 66A]
Vehicle part	Section 85

Textual Amendments

- F12** Words in the Table in s. 86 substituted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(3)(a)**.
- F13** Words in the Table in s. 86 inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(3)(b)**.
- F14** Words in Table in s. 86 repealed (1.1.1996) by 1995 c. 23, s. 60(1)(2), Sch. 7 para. 14, **Sch. 8 Pt. I** (with ss. 54, 55); S.I. 1995/2181, **art. 2**
- F15** Words in the Table in s. 86 inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(3)(b)**.
- F16** Words in the Table in s. 86 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 62**; S.I. 1992/1286, art. 2, **Sch.**

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