



Transport Act 1982

1982 CHAPTER 49

PART II

TESTING, MARKING AND APPROVAL OF VEHICLES

Miscellaneous and supplemental

16 F1

Textual Amendments

F1 S. 16 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3

^{X1}17 Determination of plated weights by prescribed testing authority for vehicles subject to type approval.

- (1) In section 47 of the 1972 Act (type approval)—
- (a) in subsections (6), (7)(b) and (10)(a), after the words “the Secretary of State” there shall be inserted the words “or the prescribed testing authority”; and
 - (b) in subsection (6), for the word “he” there shall be substituted the words “the Secretary of State or that authority”.

- (2) The following section shall be substituted for section 49 of the 1972 Act (appeals)—

“49 Appeals.

- (1) A person aggrieved by a determination made on behalf of the Secretary of State with respect to a type approval certificate, a certificate of conformity or Minister’s approval certificate under section 47 or 48 of this Act, including

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any determination with respect to design weights or plated weights, may appeal to the Secretary of State.

- (2) A person aggrieved by a determination made by the prescribed testing authority with respect to the plated weights for any goods vehicle may appeal to the Secretary of State.
- (3) Any appeal under this section must be made within the prescribed time and in the prescribed manner; and on any such appeal the Secretary of State shall have—
 - (a) in a case within subsection (1) above, the like powers and duties as he has on an original application for a type approval or Minister's approval certificate or in respect of the plated weights to be included in a certificate of conformity; and
 - (b) in a case within subsection (2) above, the like powers and duties as he would have had if the application in respect of the plated weights for the goods vehicle concerned had been made to him.
- (4) The Secretary of State may hold an inquiry in connection with any appeal under this section and may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.”.

^{F2}(3)

- (4) In section 50 of that Act (regulations for the purposes of sections 47 to 49A and supplementary provisions), the following subsection shall be inserted after subsection (1)—

“(1A) Without prejudice to the generality of subsection (1) above, regulations made under this section for the purposes of sections 47 to 49A of this Act may provide—

- (a) for the fees to be payable on any application for a determination by the prescribed testing authority of any plated weights for a goods vehicle; and
- (b) for the issue by the prescribed testing authority of plates for marking on goods vehicles any plated weights, whether determined by that authority or not (including in particular the issue of such plates on behalf of the Secretary of State for the purposes of section 47(8)) and for the fees to be payable to that authority for the issue of any such plates.”;

and in subsection (4)(a) of that section, for the words “subsection (1) above” there shall be substituted the words “this section”.

Editorial Information

- X1** The text of s. 17 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F2** S. 17(3) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3–5, Sch. 1 Pt. I, Sch. 2 Pt. I para. 6(3), [Sch. 4 paras. 1–3](#)

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18 Alteration of plated weights for goods vehicles without examination.

The following section shall be inserted after section 51 of the 1972 Act—

“51A Alteration of plated weights for goods vehicles without examination

- (1) The Secretary of State may by regulations make provision—
 - (a) for the determination, in such circumstances as may be prescribed, of the plated weights (or any of the plated weights) for goods vehicles of any prescribed class otherwise than on examination under regulations made under section 45 or 50 of this Act; and
 - (b) for the amendment of any approval certificate in force in respect of a vehicle of any such class so as to specify the weights determined for that vehicle under the regulations in place of any weights superseded by those weights or the cancellation of any such certificate and the issue in place of it of a different certificate specifying the weights so determined in place of any weights so superseded.
- (2) Any person aggrieved by a determination of plated weights for a goods vehicle under regulations made under this section may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be 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 examination as he thinks fit.
- (3) Without prejudice to the generality of subsection (1) above, regulations under this section—
 - (a) may provide for the determination of any plated weights for a goods vehicle under the regulations to be made by the Secretary of State or by the prescribed testing authority;
 - (b) may contain the like provisions with respect to any appeal brought by virtue of subsection (2) above and any examination on any such appeal as may be contained in any regulations made by virtue of paragraphs (c), (g) and (h) of section 45(6) of this Act in relation to an appeal under subsection (3) of that section and any examination on any such appeal;
 - (c) may specify the manner in which, and the time before or within which, applications may be made for the determination of plated weights of vehicles under the regulations, and the information to be supplied and documents to be produced on any such application;
 - (d) may make provision as to fees to be paid on any such application;
 - (e) may provide for the issue of replacements for any plates fixed to a vehicle specifying weights superseded by weights specified in an approval certificate amended under the regulations or in any certificate issued under the regulations in place of an approval certificate, and for the payment of a fee for their issue; and
 - (f) may make different provision for different cases.
- (4) In this section “approval certificate” means a plating certificate and any certificate of conformity or Minister’s approval certificate specifying any plated weights.
- (5) Any certificate issued in respect of a goods vehicle under regulations made under this section in replacement of an approval certificate of any description mentioned in subsection (4) above—

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- (a) shall be in the form appropriate for an approval certificate of that description;
 - (b) shall be identical in content with the certificate it replaces, save for any alterations in the plated weights authorised by the regulations; and
 - (c) shall be treated for the purposes of this Part of this Act (including this section) and any regulations made under any provision of this Part of this Act as if it were the same certificate as the certificate it replaces;
- and any plate so issued in replacement of a plate fixed to the vehicle under section 47 of this Act shall, when fixed to the vehicle, be treated as so fixed under that section.”.

Modifications etc. (not altering text)

- C1** The text of ss. 10(2)–(9), 11, 18, 19(1)(3), 20, 21(3)–(5), 22, 23(3)(4), 24, 65, 67, 68, Sch. 4, Sch. 5 paras. 17(2), 20, 21–23 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Commencement Information

- II** [S. 18](#) wholly in force: [S. 18](#) not in force at royal assent, see [s. 76\(2\)](#); wholly in force (1.8.1996) by [S.I. 1996/1943](#), [art. 2](#).

PROSPECTIVE

F³19

Textual Amendments

- F3** [S. 19](#) 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.

[^{F4}20 Amendment of section 72 of 1988 Act.

In section 72 of the 1988 Act (removal of prohibitions) after the word “constable” in each place where it occurs in subsections (1), (5) and (7), there shall be inserted the words “or authorised inspector”.]

Textual Amendments

- F4** [S. 20](#) substituted (1.7.1992) by [Road Traffic Act 1991](#) (c. 40, SIF 107:1), s. 48, [Sch. 4 para.20](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

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PROSPECTIVE

21 Amendments with respect to appeals.

- (1) Any examination of a vehicle on an appeal to the Secretary of State under [^{F5}section 45(4) of the 1988 Act] (appeal against refusal of test certificate) shall be carried out by an officer of the Secretary of State; and accordingly, in [^{F5}section 45(5) of that Act], after the word “made” there shall be inserted the words “by an officer of the Secretary of State appointed by him for the purpose”.

^{F6}(2)

^{F6}(3)

[^{F7}(4) In section 51 of that Act (appeals to the Secretary of State)—

- (a) in subsection (1) after the words “examiner” there shall be inserted the words “or an authorised inspector”
(b) after subsection (1) there shall be inserted the following subsections—

“(1A) 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

(1B) On any appeal under subsection (1A) 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 (4) after the words “examiner” in both places where it occurs there shall be inserted the words “prescribed testing authority or authorised inspector concerned”]

^{F8}(5)

Textual Amendments

- F5** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 10(a)**
F6 S. 21(2)(3) 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.**
F7 S. 21(4) substituted (1.7.1992) By Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 21**; S.I. 1992/1286, art. 2, **Sch.**
F8 S. 21(5) repealed (1.1.1996) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1995/2835, art. 2.

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PROSPECTIVE

22 Fees on the notification of alterations notifiable under section 45 or 48 of the 1972 Act.

- (1) The following paragraph shall be inserted after paragraph (a) of section 45(6) of the 1972 Act (specific matters with which regulations under that section may deal)—
 - “(aa) require the payment of a fee on any notification of any alteration to a vehicle or its equipment which is required by the regulations to be notified to the Secretary of State or the prescribed testing authority;”
- (2) For paragraph (d) of section 50(1) of that Act (power to make provision in relation to examinations, etc., following the notification of alterations notifiable under section 48 of that Act corresponding to provision authorised under certain paragraphs of section 45(6)) there shall be substituted the following paragraph—
 - “(d) may contain the like provisions with respect to any notification of any such alteration as is mentioned in paragraph (a) above, with respect to any examination of any vehicle in pursuance of regulations made by virtue of that paragraph and with respect to any appeal brought by virtue of paragraph (c) above as may be contained in regulations made by virtue of paragraphs (aa), (b), (c), (g) and (h) of section 45(6) of this Act in relation to the notifications, examinations and appeals there mentioned;”

PROSPECTIVE

23 Forgery and misuse of documents etc.

- (1) A person who, with intent to deceive—
 - (a) uses or lends to, or allows to be used by, any other person, a document evidencing the authorisation of a person as an authorised inspector; or
 - (b) makes or has in his possession any document so closely resembling a document evidencing such an authorisation as to be calculated to deceive; or
 - (c) in Scotland, forges or alters a document evidencing such an authorisation;
 shall be liable—
 - (i) on conviction on indictment, to imprisonment for a term not exceeding two years;
 - (ii) on summary conviction, to a fine not exceeding the statutory maximum.

^{F9}(2)

^{X2}(3) In section 169 of the 1972 Act (forgery of documents etc.), in subsection (2) the following paragraphs shall be inserted after paragraph (c)—

“(cc) any notice removing a prohibition under section 57 of this Act;”

^{F10}(4)

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Editorial Information

- X2** The text of ss. 10(2)–(9), 11, 18, 19(1)(3), 20, 21(3)–(5), 22, 23(3)(4), 24, 65, 67, 68, Sch. 4, Sch. 5 paras. 17(2), 20, 21–23 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F9** [S. 23\(2\)](#) repealed (5.11.1993) by 1993, c. 50, s. 1(1), Sch. 1, Pt. XIV
- F10** [S. 23\(4\)](#) 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.](#)

PROSPECTIVE

^{X3}24 Falsification of documents.

- (1) The following section shall be substituted for section 171 of the 1972 Act (issue of false documents)—

“171 Falsification of documents.

- (1) A person shall be guilty of an offence who issues—
- (a) any such document as is referred to in paragraph (a) or (b) of section 170(6) of this Act;
 - (b) a test certificate, plating certificate, goods vehicle test certificate or certificate of conformity;
 - (c) a certificate of temporary exemption under regulations made under section 44(10A) or 46(5)(b) of this Act; or
 - (d) a notice removing a prohibition under section 57 of this Act;
- if the document or certificate so issued is to his knowledge false in a material particular.
- (2) A person who amends a certificate of conformity shall be guilty of an offence if the certificate as amended is to his knowledge false in a material particular.
- (3) Expressions used in subsections (1)(b) and (2) above have the same meanings as they have respectively have for the purposes of Part II of this Act.”
- (2) In section 173(2) of that Act (seizure of documents etc. suspected of being false)—
- [^{F11}(a) in subsection (4) after the words “of this Act” there shall be inserted the words “or an authorised inspector appointed under section 8 of the Transport Act 1982”];
 - (b) in paragraph (b), after the words “plating certificates” there shall be inserted the words “notices removing prohibitions under section 57 of this Act”.
- (3) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences)—
- (a) in column one of the entry relating to section 171, for “171” there shall be substituted “171(1)”; and
 - (b) after that entry there shall be inserted the following entry—

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“171(2)	Falsely amending certificate of conformity.	Summarily. £500.	Section 180 applies.”.
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(4) The following section shall be inserted after section 66 of the 1981 Act—

“66A Issue of false documents.

- (1) If a person issues—
 - (a) a certificate of initial fitness under section 6 of this Act; or
 - (b) a notice removing a prohibition under section 9(1) of this Act;
 which he knows to be false in a material particular, he shall be liable on summary conviction to a fine not exceeding £500.
- (2) If a constable, [^{F12}an examiner appointed under section 66A of the Road Traffic Act 1988] or an authorised inspector has reasonable cause to believe that a document produced to him or carried on a vehicle by its driver is a document in relation to which an offence has been committed under this section, he may seize the document.
- (3) The power to seize a document under subsection (2) above includes power to detach a document carried on a vehicle from the vehicle.”.

Editorial Information

- X3** The text of s. 24 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F11** S. 24(2)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, **Sch. 4 para. 22(2)**; S.I. 1992/1286, **art. 2**, Sch.
- F12** Words in s. 24(4) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 22(3)**; S.I. 1992/1286, **art. 2**, Sch.

PROSPECTIVE

25 Impersonation of authorised inspector.

A person who, with intent to deceive, falsely represents himself to be an authorised inspector shall be liable on summary conviction to a fine not exceeding [^{F13}level 3 on the standard scale].

Textual Amendments

- F13** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

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PROSPECTIVE

26 Interpretation of Part II.

In this Part of this Act—

“the ^{M1}1981 Act” means the Public Passenger Vehicles Act 1981;

[^{F14}“the 1988 Act” means the Road Traffic Act 1988]

“approved testing authority” and “authorised inspector” have the meanings respectively given by section 8(3) and (4) of this Act;

“business” includes any activity carried on by a body of persons, whether corporate or unincorporate;

“goods vehicle” has the meaning given by [^{F15}section 192 of the 1988 Act];

[^{F16} “vehicle examiner” means an examiner appointed under section 66A of the 1988 Act.]

“vehicle testing business” has the meaning given by section 8(1) of this Act; and references to the testing and surveillance functions are references to the functions specified in section 9 of this Act.

Textual Amendments

F14 Words inserted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 2 Pt. I para. 14(a)**

F15 Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 2 Pt. I para. 14(b)**

F16 Definition in s. 26 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para.23**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M1 1981 c. 14.

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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](#)