



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Approval of design, construction, equipment and marking of vehicles

54 Type approval requirements

- (1) Without prejudice to section 41 of this Act, the Secretary of State may by regulations prescribe requirements (in this Part of this Act referred to as “type approval requirements”)—
 - (a) with respect to the design, construction, equipment and marking of vehicles of any class, being requirements which are applicable before, whether or not they are applicable after, vehicles of that class are used on a road,
 - (b) with respect to the design, construction, equipment and marking of vehicle parts of any class, being requirements which are applicable before, whether or not they are applicable after, vehicle parts of that class are fitted to a vehicle used on a road.
- (2) Regulations under this section may provide for the determination, according to criteria or by methods prescribed by or determined under the regulations, of weights of any description which in the opinion of the Secretary of State should not be exceeded in the case of vehicles of any class.
- (3) In this Part of this Act references to design weights shall be construed as references to weights determined by virtue of subsection (2) above.
- (4) Subject to subsection (5) below, the following provisions of this Act to the end of section 60 apply in relation to parts of vehicles as they apply in relation to vehicles and, accordingly, any reference in those provisions to a vehicle, other than a reference to a goods vehicle, is to be read as including a reference to a vehicle part.

Status: This is the original version (as it was originally enacted).

- (5) Any provision which relates solely to goods vehicles or design weights does not apply in relation to parts of vehicles, but particular exclusions in those provisions do not affect the generality of this exclusion.
- (6) In this Part of this Act, “the relevant aspects of design, construction, equipment and marking”, in relation to any vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements or which were used as criteria in determining design weights for that vehicle.

55 Type approval certificates

- (1) Where the Secretary of State is satisfied on application made to him by the manufacturer of a vehicle of a class to which regulations under section 54 of this Act apply and after examination of the vehicle—
 - (a) that the vehicle complies with the relevant type approval requirements, and
 - (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,he may approve that vehicle as a type vehicle.
- (2) Where the Secretary of State approves a vehicle as a type vehicle he must issue a certificate (in this Part of this Act referred to as a “type approval certificate”) stating that the vehicle complies with the relevant type approval requirements and specifying—
 - (a) the permitted variations from the type vehicle, and
 - (b) the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.
- (3) In the following provisions of this section and in sections 56 to 59 of this Act “conform” means conform in all respects or with any permitted variation.
- (4) Subject to subsection (6) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle.
- (5) A further type approval certificate may be issued by virtue of subsection (4) above on the application of any person—
 - (a) who manufactures any part of the vehicle, or
 - (b) by whom the vehicle is finally assembled;and references in the following provisions of this section and in sections 56 to 59 of this Act to a manufacturer shall be construed accordingly.
- (6) The first type approval certificate issued for a type vehicle by virtue of subsection (4) above must specify the design weights for conforming vehicles, and accordingly—
 - (a) so much of subsection (2) above or section 57 (1) to (3) of this Act as requires the Secretary of State or a manufacturer to specify in any certificate under this or that section the design weights or plated weights for a vehicle or as requires the Secretary of State or a manufacturer to mark or secure the marking of the plated weights on a vehicle does not apply to a subsequent type approval certificate issued by virtue of subsection (4) above or to the certificates of conformity issued in consequence of such a type approval certificate, and

- (b) so much of section 58 (2) of this Act as requires the Secretary of State to specify in any certificate issued by him the design weights and plated weights for a vehicle or to secure that the plated weights are marked on a vehicle does not apply to a Minister's approval certificate issued by virtue of subsection (4) above.
- (7) Subsection (6) above does not apply in relation to vehicle parts.
- (8) Where the Secretary of State determines on an application under this section not to issue a type approval certificate in respect of a vehicle, he must give to the applicant a written notification of the determination, stating the grounds on which it is based.

56 Conditions of, and cancellation or suspension of, type approval certificates

- (1) A type approval certificate may be issued subject to conditions with respect to—
 - (a) the inspection by officers of the Secretary of State of vehicles purporting to conform with the type vehicle in the relevant aspects of design, construction, equipment and marking and of parts of such vehicles and their equipment, and the entry of premises where they are manufactured, and
 - (b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such vehicles and the type vehicle which might affect the type approval requirements or the criteria for determining the design weights of those vehicles.
- (2) If—
 - (a) it appears to the Secretary of State that there has been a breach of a condition subject to which a type approval certificate has been granted, or
 - (b) the Secretary of State ceases to be satisfied as to any other matter relevant to a type approval certificate,he may cancel or suspend the certificate, but the cancellation or suspension shall not affect the validity of any certificate of conformity previously issued in consequence of the type approval certificate.
- (3) Where the Secretary of State cancels or suspends a certificate in pursuance of this section, he shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension.

57 Certificates of conformity

- (1) The manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (in this Part of this Act referred to as a "certificate of conformity")—
 - (a) stating that it does so conform, and
 - (b) specifying the design weights for the vehicle,and must in the case of goods vehicles of such classes as may be prescribed specify in the certificate one or more of the plated weights for the vehicle.
- (2) Where a manufacturer issues a certificate of conformity for a goods vehicle, the Secretary of State must—

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

- (a) on an application made by any person containing such information as he may require with respect to the proposed circumstances of operation of the goods vehicle, and
 - (b) on production of that certificate,

specify in the certificate any plated weights for the goods vehicle not so specified by the manufacturer.
- (3) Where a manufacturer issues a certificate of conformity for a goods vehicle then—
 - (a) if he is required by subsection (1) above to specify any plated weights for the goods vehicle in the certificate, he must mark those weights on the goods vehicle by means of a plate fixed to it, and
 - (b) in any other case the Secretary of State must on an application for the purpose secure that those weights are so marked.
- (4) Any certificate of conformity issued in consequence of any type approval certificate issued by virtue of section 55(4) of this Act shall relate only to the requirement or requirements to which that type approval certificate relates.
- (5) Subsections (2) and (3) above do not apply in relation to vehicle parts.

58 Minister's approval certificates

- (1) Where the Secretary of State is satisfied, on application made to him by any person in respect of a vehicle of a class to which regulations under section 54 of this Act apply and after examination of the vehicle, that—
 - (a) the vehicle complies with the relevant type approval requirements, and
 - (b) in the case of a goods vehicle, the Secretary of State has sufficient information to enable the plated weights to be ascertained for the vehicle,

he may issue a certificate (in this Part of this Act referred to as a “Minister's approval certificate”).
- (2) The certificate must state that the vehicle complies with those requirements and specify—
 - (a) its design weights, and
 - (b) in the case of a goods vehicle, its plated weights,

and, where the Secretary of State issues such a certificate in respect of a goods vehicle, he must secure that the plated weights are marked on the vehicle by means of a plate fixed to it.
- (3) Where by virtue of section 57(4) of this Act a certificate of conformity issued in respect of a vehicle relates to one or more, but not all, of the relevant type approval requirements, the Secretary of State may issue in respect of that vehicle a Minister's approval certificate relating to one or more of the other relevant type approval requirements.
- (4) Where—
 - (a) a Minister's approval certificate is given as respects a vehicle, and
 - (b) the Secretary of State is satisfied—
 - (i) on the application of the manufacturer of the vehicle or, in the case of an imported vehicle, the importer of the vehicle, and
 - (ii) after the consideration of such evidence as he thinks necessary,

that another vehicle manufactured by that manufacturer or, as the case may be, imported by that importer conforms with the first mentioned vehicle as respects the relevant aspects of design, construction, equipment and marking, the Secretary of State may issue a Minister's approval certificate in respect of that other vehicle without examining it.

- (5) Where the Secretary of State issues such a certificate by virtue of subsection (4) above, he must specify the plated weights which are to be marked on the other vehicle.
- (6) Subsection (4) above shall apply in relation to vehicles brought into Great Britain from Northern Ireland as it applies in relation to imported vehicles, and references in that subsection to the importer shall be construed accordingly.
- (7) Where the Secretary of State determines on an application under this section not to issue a Minister's approval certificate in respect of a vehicle, he must give to the applicant a written notification of the determination, stating the grounds on which it is based.

59 Supplementary provisions as to certificates of conformity and Minister's approval certificates

- (1) The Secretary of State may by regulations require that prescribed alterations—
 - (a) in any of the relevant aspects of design, construction, equipment or marking, or
 - (b) in any such aspect which affects the plated weight,made to any vehicle for which a certificate of conformity or a Minister's approval certificate is issued shall, subject to any exemption granted under subsection (2) below, be notified to the Secretary of State.
- (2) The Secretary of State may by notice in writing given to the manufacturer of vehicles or to the owner of a vehicle for which a Minister's approval certificate is issued—
 - (a) direct that any specified alteration in any of the aspects mentioned in subsection (1) above to a vehicle to which the direction relates shall be notified to the Secretary of State,
 - (b) exempt a vehicle to which the notice relates from all or any of the requirements of regulations under subsection (1) above, subject to compliance with any conditions specified in the notice.
- (3) Without prejudice to the provisions of section 61 of this Act, the Secretary of State may by regulations require that a certificate of conformity or Minister's approval certificate issued for any vehicle shall specify—
 - (a) the regulations, if any, applicable to the vehicle under subsection (1) above at the time of the issue of the certificate,
 - (b) any additional alteration to that vehicle required by any direction under subsection (2) above to be notified to the Secretary of State, and
 - (c) any exemption applicable to that vehicle under that subsection.
- (4) A certificate of conformity or a Minister's approval certificate specifying any plated weights shall be treated for the purposes of the provisions of this Part of this Act and any regulations made under them relating to plating certificates (except section 50 (1) and (2) of this Act) as a plating certificate.

This subsection does not apply in relation to vehicle parts.

60 Appeals

- (1) A person aggrieved by the determination made on behalf of the Secretary of State with respect to a type approval certificate, a certificate of conformity or a Minister's approval certificate under sections 54 to 59 of this Act, including any determination with respect to design weights or plated weights, may within the prescribed time and in the prescribed manner appeal to the Secretary of State.
- (2) On the appeal the Secretary of State—
 - (a) shall have the like powers and duties as he has on an original application for a type approval or a Minister's approval certificate or in respect of the plated weights to be included in a certificate of conformity,
 - (b) may hold an inquiry in connection with it, and
 - (c) may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.

61 Regulations for the purposes of sections 54 to 60

- (1) The Secretary of State may make regulations for the purposes of sections 54 to 60 of this Act.
- (2) Without prejudice to the generality of subsection (1) above, such regulations—
 - (a) may provide for the examination of any vehicle in respect of which a certificate of conformity or a Minister's approval certificate is in force in the event of an alteration being made to the vehicle which is notifiable by virtue of section 59(1) or (2) of this Act and, in particular, may empower a goods vehicle examiner or a public service vehicle examiner to require the vehicle to be examined at a testing station provided under section 52, 62 or 72 of this Act,
 - (b) may authorise the cancellation, suspension or amendment of a certificate of conformity or a Minister's approval certificate on an examination of any vehicle in pursuance of regulations made by virtue of paragraph (a) above,
 - (c) shall give a right of appeal to any person aggrieved by a determination on any such examination and for that purpose may apply section 50(1) to (4) of this Act,
 - (d) may contain the like provisions with respect to any such examination and any appeal brought by virtue of paragraph (c) above as may be contained in regulations made by virtue of paragraphs (b), (c), (g) and (h) of section 51(1) of this Act in relation to the examinations and appeals there mentioned,
 - (e) may require the payment of fees or other charges in connection with the provision by the Secretary of State of services or facilities or the issue by him of certificates and other documents,
 - (f) may provide—
 - (i) for the authorisation of persons to carry out examinations, in connection with the issue of type approval certificates, of vehicles or vehicle parts of such classes as may be specified in the regulations,
 - (ii) for the imposition of conditions to be complied with by persons so authorised, and
 - (iii) for the withdrawal of authorisations,
 - (g) may make provision as to the form of, and particulars to be contained in, certificates of conformity and provide for the supply by the Secretary of State of forms for such certificates,

- (h) may provide for the issue of replacements for plates fixed to vehicles under sections 54 to 58 of this Act, certificates of conformity and Minister's approval certificates which have been lost or defaced and provide for the payment of a fee for their issue,
 - (j) may require persons empowered by sections 54 to 58 of this Act to issue certificates of conformity to keep records—
 - (i) of certificates of conformity issued by them, and
 - (ii) of the vehicles or vehicle parts in respect of which such certificates are issued,and may authorise the inspection of such records by such persons and in such circumstances as may be prescribed, and
 - (k) may make different provisions for different cases.
- (3) Without prejudice to any regulations made by virtue of section 51(1)(c) of this Act, as applied by this section, the Secretary of State may give directions with respect to the manner in which examinations to which such regulations apply are to be carried out.
- (4) Where regulations under this section impose the like requirement as may be imposed by regulations made by virtue of section 51(1)(c)(ii) of this Act, the regulations may provide that a person who contravenes or fails to comply with a requirement so imposed is guilty of an offence.
- (5) In this section “public service vehicle examiner” means a person appointed as such an examiner under section 7(2) of the Public Passenger Vehicles Act 1981.

62 Other supplementary provisions

- (1) The Secretary of State may provide and maintain stations where examinations of vehicles under sections 54 to 61 of this Act or regulations under those sections may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (2) Where an agreement entered into between Her Majesty's Government and the Government of a country outside Great Britain provides for the recognition in Great Britain of arrangements under the law of that country with respect to the approval of the design, construction, equipment or marking of vehicles of any description manufactured in that country, the Secretary of State may make regulations—
- (a) applying, with such adaptations and modifications as he thinks fit, all or any of the provisions of sections 54 to 60 of this Act and of regulations under section 61 of this Act, so far as relating to type approval certificates and certificates of conformity, to vehicles of that description manufactured in that country,
 - (b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Part of this Act prescribed by the regulations as a type approval certificate or as a certificate of conformity,
 - (c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any such certificate in the event of the agreement ceasing to be in force or being modified.
- (3) Except in the case of vehicles of such class as may be prescribed, in sections 57, 58 and 61 of this Act “goods vehicle” includes a vehicle which is a chassis for, or will otherwise form part of, a vehicle which when completed will be a goods vehicle.

63 Obligatory type approval certificates, certificates of conformity and Minister's approval certificates

(1) If—

- (a) any person at any time on or after the day appointed by regulations made by the Secretary of State in relation to vehicles or vehicle parts of a prescribed class, being vehicles or vehicle parts to which type approval requirements prescribed by those regulations apply—
 - (i) uses on a road, or
 - (ii) causes or permits to be so used,
 a vehicle of that class or a vehicle to which is fitted a vehicle part of that class, and
- (b) it does not appear from one or more certificates then in force under sections 54 to 58 of this Act that the vehicle or vehicle part complies with those requirements,

he is guilty of an offence.

Different days may be appointed under this subsection in relation to different classes of vehicles or vehicle parts.

(2) If a plating certificate—

- (a) has been issued for a goods vehicle to which section 53(1) of this Act or subsection (1) above applies, but
- (b) does not specify a maximum laden weight for the vehicle together with any trailer which may be drawn by it,

any person who on or after the relevant date within the meaning of section 53(1) of this Act or, as the case may be, the day appointed under subsection (1) above uses the vehicle on a road for drawing a trailer, or causes or permits it to be so used, is guilty of an offence.

(3) Any person who—

- (a) uses a vehicle on a road, or
- (b) causes or permits a vehicle to be so used,

when an alteration has been made to the vehicle or its equipment which is required by regulations or directions under section 59 of this Act to be, but has not been, notified to the Secretary of State is guilty of an offence.

(4) In any proceedings for an offence under subsection (3) above, it shall be a defence to prove that the regulations were not or, as the case may be, the alteration was not, specified in the relevant certificate of conformity or Minister's approval certificate in accordance with regulations under section 59(3) of this Act.

(5) The Secretary of State may by regulations—

- (a) exempt from all or any of the preceding provisions of this section the use of vehicles for such purposes or in such an area as may be prescribed,
- (b) except any class of goods vehicles from the provisions of subsection (2) above, and
- (c) make provision for the issue in respect of a vehicle or vehicle part in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle or vehicle part from the provisions of subsection (1) above for such period as may be specified in the certificate.

64 Using goods vehicle with unauthorised weights as well as authorised weights marked on it

- (1) If there is fixed to a goods vehicle a plate containing plated weights of any description—
- (a) determined for that vehicle by virtue of sections 49 to 52 of this Act, or
 - (b) specified in a certificate for that vehicle under section 57(1) or (2) or 58(2) or (5) of this Act,
- the vehicle shall not, while it is used on a road, be marked with any other weights, except other plated weights, other weights required or authorised to be marked on the vehicle by regulations under section 41 of this Act or weights so authorised for the purposes of this section by regulations made by the Secretary of State and marked in the prescribed manner.
- (2) In the event of a contravention of or failure to comply with this section the owner of the vehicle is guilty of an offence.

65 Vehicles and parts not to be sold without required certificate of conformity or Minister's approval certificate

- (1) If—
- (a) any person at any time on or after the day appointed by regulations under section 63(1) of this Act supplies a vehicle or vehicle part of a class to which those regulations apply, and
 - (b) it does not appear from one or more certificates in force at that time under sections 54 to 58 of this Act that the vehicle or vehicle part complies with all the relevant type approval requirements prescribed by those regulations,
- he is guilty of an offence.
- (2) In this section references to supply include—
- (a) sell,
 - (b) offer to sell or supply, and
 - (c) expose for sale.
- (3) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle or vehicle part if he proves—
- (a) that it was supplied for export from Great Britain,
 - (b) that he had reasonable cause to believe that it would not be used on a road in Great Britain or, in the case of a vehicle part, that it would not be fitted to a vehicle used on a road in Great Britain or would not be so used or fitted until it had been certified under sections 54 to 58 of this Act, or
 - (c) that he had reasonable cause to believe that it would only be used for purposes or in any area prescribed by the Secretary of State under section 63(5) of this Act or, in the case of a goods vehicle, under section 53(5) of this Act.
- (4) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.