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# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

*Tests of vehicles other than goods vehicles to which section 49 applies*

#### **45 Tests of satisfactory condition of vehicles.**

- (1) This section applies to motor vehicles other than goods vehicles which are required by regulations under section 49 of this Act to be submitted for a vehicle test under that section and has effect for the purpose of ascertaining whether the [<sup>F1</sup> following requirements are complied with, namely—
  - (a) the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment, and
  - (b) the requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person.]
- (2) The Secretary of State may by regulations make provision—
  - (a) for the examination of vehicles submitted for examination under this section, and
  - (b) for the issue, where it is found on such an examination that the requirements mentioned in subsection (1) above are complied with, of a certificate (in this Act referred to as a “test certificate”) that at the date of the examination the requirements were complied with in relation to the vehicle.
- (3) Examinations for the purposes of this section shall be carried out by—
  - (a) persons, not being officers of the Secretary of State, authorised for those purposes by the Secretary of State (in this section and section 46 of this Act referred to as “authorised examiners”),
  - [<sup>F2</sup>(aa) any authorised inspector]
  - [<sup>F3</sup>(b) examiners appointed under section 66A of this Act]

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- (c) inspectors appointed by any council designated by the Secretary of State for the purposes of this section and section 46 of this Act, being the council of a county, district or London borough or the Common Council of the City of London or the council of a region or islands area.
- (4) Where a test certificate is refused, the examiner or inspector must issue a notification of the refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Secretary of State.
- (5) On any such appeal the Secretary of State must cause a further examination to be made [F4 by an officer of the Secretary of State appointed by him for the purpose] and either issue a test certificate or issue a notification of the refusal stating the grounds of the refusal.
- (6) For the purposes of their functions under this section the Secretary of State or a council designated for the purposes of this section may provide and maintain—
- (a) stations where examinations under this section may be carried out, and
  - (b) apparatus for carrying out such examinations.
- (7) The Secretary of State may make regulations under this section for the purpose of giving effect to this section and for prescribing anything authorised by this section and section 46 of this Act to be prescribed.
- (8) In its application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this section shall have effect as if any reference to prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment included a reference to the prescribed requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.

#### Subordinate Legislation Made

- P1** S. 45 (with ss. 46 and 47(5)): power exercised by S.I. 1991/253  
S. 45 (with s. 46): power exercised by S.I. 1991/455  
For previous exercises of power under s. 45 see Index to Government Orders
- P2** S. 45: s. 45 (with s. 46) power exercised (4.7.1991) by S. I. 1991/1525 and (7.10.1991) by S.I. 1991/2229
- P3** S. 45 (with s. 46) power exercised (9.12.1991) by S.I. 1991/2791

#### Textual Amendments

- F1** Words in s. 45(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 52(2)**; S.I. 1992/1286, **art. 2**, Sch.
- F2** S. 45(3)(aa) inserted (prosp.) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 10(2)(a)**, 76(2) (as substituted (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 4(1)(c)**)
- F3** S. 45(3)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 52(3)**; S.I. 1992/1286, **art. 2**, Sch.
- F4** Words inserted (prosp.) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 21(1)**, 76(2) (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 10(a)**)

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## 46 Particular aspects of regulations under section 45.

Regulations under section 45 of this Act may, in particular, make provision as to—

- (a) the authorisation of examiners [<sup>F5</sup>in accordance with subsection (3)(a) of that section], the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations,
- (b) the manner in which, conditions under which and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out,
- (c) the manner in which applications may be made for the examination of vehicles under section 45 of this Act, the manner in which and time within which appeals may be brought under subsection (4) of that section, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or part of the fee paid on such an appeal where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the decision appealed against,
- (d) the form of, and particulars to be contained in, test certificates and notifications of the refusal of test certificates, and the supply by the Secretary of State of forms for such certificates and notifications and the charges to be made for the supply of such forms,
- (e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue of such duplicates,
- (f) the issue of copies of test certificates and the fees to be paid for the issue of such copies,
- (g) the keeping by designated councils and authorised examiners of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed,
- (h) the keeping of records by designated councils and authorised examiners and the providing by them of returns and information to the Secretary of State,

and regulations under that section may make different provision in relation to different cases or classes of cases.

### Subordinate Legislation Made

**P4** S. 46: s. 45 (with ss. 46 and 47(5)): power exercised by S.I. 1991/253

S. 46: s. 45 (with s. 46): power exercised by S.I. 1991/455

For previous exercises of power under s. 46 see Index to Government Orders

**P5** S. 46: s. 45 (with s. 46) power exercised (4.7.1991) by [S.I. 1991/1525](#) and (7.10.1991) by [S.I. 1991/2229](#)

**P6** S. 46: s. 45 (with s. 46) power exercised (9.12.1991) by [S.I. 1991/2791](#)

### Textual Amendments

**F5** Words in s. 46(a) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, [Sch. 4 para. 53](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

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VALID FROM 01/06/2001

**[<sup>F6</sup>46A Use of records of vehicle examinations, etc.**

- (1) This section applies to—
  - (a) the records maintained by the Secretary of State (or caused by him to be maintained) under section 45(6B) of this Act, and
  - (b) the records maintained by the Secretary of State in connection with any functions exercisable by him under or by virtue of the <sup>M1</sup>Vehicle Excise and Registration Act 1994.
- (2) The Secretary of State may use the information contained in records falling within either paragraph of subsection (1) above—
  - (a) to check the accuracy of the records falling within the other paragraph of that subsection, and
  - (b) where appropriate, to amend or supplement information contained in those records.
- (3) The Secretary of State may also use the information contained in records falling within paragraph (b) of that subsection for the purpose of promoting compliance with section 47 of this Act.
- (4) This section does not limit any powers of the Secretary of State apart from this section.]

**Textual Amendments**

**F6** S. 46A inserted (1.6.2001) by 1999 c. 12, s. 3; S.I. 2001/1896, art. 2(2)

**Marginal Citations**

**M1** 1994 c.22.

VALID FROM 01/06/2001

**[<sup>F7</sup>46B Evidence from records of vehicle examinations.**

- (1) A statement to which this section applies is admissible in any proceedings as evidence (or, in Scotland, sufficient evidence) of any fact stated in it with respect to—
  - (a) the issue of a test certificate in respect of a vehicle, and
  - (b) the date of issue of such a certificate,
 to the same extent as oral evidence of that fact is admissible in the proceedings.
- (2) This section applies to a statement contained in a document purporting to be—
  - (a) a part of the records maintained under section 45(6B) of this Act,
  - (b) a copy of a document forming part of those records, or
  - (c) a note of any information contained in those records,
 and to be authenticated by a person authorised to do so by the Secretary of State.

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- (3) In this section as it has effect in England and Wales—
- “document” means anything in which information of any description is recorded;
  - “copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and
  - “statement” means any representation of fact, however made.
- (4) In this section as it has effect in Scotland, “document” and “statement” have the same meanings as in section 17(3) of the <sup>M2</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act.
- (5) Nothing in subsection (4) above limits to civil proceedings the reference to proceedings in subsection (1) above.]

#### Textual Amendments

F7 S. 46B inserted (11.4.2003) by 1999 c. 12, ss. 4, 9(2); S.I. 2003/1095, art. 2

#### Marginal Citations

M2 1968 c.70.

## 47 Obligatory test certificates.

- (1) A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before that time, is guilty of an offence.

In this section and section 48 of this Act, the “appropriate period” means a period of twelve months or such shorter period as may be prescribed.

- (2) Subject to subsections (3) and (5) below, the motor vehicles to which this section applies at any time are—
- (a) those first registered under the <sup>M3</sup>Vehicles (Excise) Act 1971, the <sup>M4</sup>Vehicles (Excise) Act 1962, the <sup>M5</sup>Vehicles (Excise) Act 1949 or the <sup>M6</sup>Roads Act 1920, not less than three years before that time, and
  - (b) those which, having a date of manufacture not less than three years before that time, have been used on roads (whether in Great Britain or elsewhere) before being registered under the Vehicles (Excise) Act 1971 or the Vehicles (Excise) Act 1962,
- being, in either case, motor vehicles other than goods vehicles which are required by regulations under section 49 of this Act to be submitted for a goods vehicle test.
- (3) As respects a vehicle being—
- (a) a motor vehicle used for the carriage of passengers and with more than eight seats, excluding the driver’s seat, or
  - (b) a taxi (as defined in section 64 (3) of the <sup>M7</sup>Transport Act 1980), being a vehicle licensed to ply for hire, or
  - (c) an ambulance, that is to say, a motor vehicle which is constructed or adapted, and primarily used, for the carriage of persons to a place where they will

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receive, or from a place where they have received, medical or dental treatment, and which, by reason of design, marking or equipment is readily identifiable as a vehicle so constructed or adapted,

subsection (2)(a) above shall have effect as if for the period there mentioned there were substituted a period of one year.

- [<sup>F8</sup>(4) For the purposes of subsection (2)(b) above there shall be disregarded—
- (a) the use of a vehicle before it is sold or supplied by retail, and
  - (b) the use of a vehicle to which a motor dealer has assigned a mark under section 20 of the Vehicles (Excise) Act 1971 before it is registered by the Secretary of State under section 19(1)(b) of that Act.]
- (5) This section does not apply to vehicles of such classes as may be prescribed.
- (6) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles for such purposes as may be prescribed.
- (7) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles in any such area as may be prescribed.
- (8) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in that excepted case shall be taken to be the last day of the year during which the modifications are completed.
- (9) The Secretary of State may by order made by statutory instrument direct that subsection (2) above shall have effect with the substitution, for three years (in both places), of such other period (not being more than ten years) as may be specified in the order.

An order under this subsection shall not have effect unless approved by resolution of each House of Parliament.

#### Subordinate Legislation Made

- P7** S. 47 for previous exercises of power see Index to Government Orders  
**P8** S. 45 (with ss. 46 and 47(5)) power exercised by S. I. 1991/253

#### Textual Amendments

- F8** S. 47(4) substituted (1.6.1994) by 1994 c. 9, s. 5, Sch. 2 paras. 25, 29

#### Marginal Citations

- M3** 1971 c. 10.  
**M4** 1962 c. 13.  
**M5** 1949 c. 89.  
**M6** 1920 c. 72.  
**M7** 1980 c. 34.

## 48 Supplementary provisions about test certificates.

- (1) For the purpose of spreading the work of issuing certificates in contemplation of a change in—

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- (a) the length of the appropriate period, or
  - (b) the length of the period specified in section 47(2)(a) and (b) of this Act,
- (and whether for the purposes of that section or section 66 of this Act), the order or, as the case may be, regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under any of the enactments mentioned in section 47(2) of this Act at different times.
- (2) Where—
- (a) within the appropriate period after a test certificate is issued or treated for the purposes of section 47 of this Act as issued, but
  - (b) not earlier than one month before the end of that period,
- a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of that section as if issued at the end of the appropriate period.
- (3) Where the particulars contained in a test certificate in accordance with regulations made under section 45 of this Act include a date of expiry falling later, but not more than one month later, than the end of the appropriate period after the date on which it is issued—
- (a) the certificate shall be deemed to have been issued in respect of the same vehicle as an earlier test certificate, and
  - (b) the date on which it was issued shall be deemed to have been a date falling within the last month of the appropriate period after the date on which that earlier certificate was issued or treated for the purposes of section 47 of this Act as issued;
- and any date of expiry contained in a test certificate shall be deemed to have been entered in accordance with regulations under section 45 of this Act unless the contrary is proved.
- (4) The Secretary of State may by regulations make provision for the issue, in such circumstances as may be prescribed, of a certificate of temporary exemption in respect of a public service vehicle adapted to carry more than eight passengers, exempting that vehicle from the provisions of section 47(1) of this Act for such period as may be specified in the certificate.
- (5) In relation to any public service vehicle so adapted—
- (a) subsections (2) and (3) above shall have effect as if for “one month” (in both places) there were substituted “two months”, and
  - (b) subsection (3) above shall have effect as if for “last month” there were substituted “last two months”.
- <sup>F9</sup>(6) .....

**Textual Amendments**

**F9** S. 48(6) 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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