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SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

The Transport Act 1982 (c. 49)

- 18 (1) Section 9 of the Transport Act 1982 (private sector vehicle testing: the testing and surveillance functions) shall be amended as follows.
- (2) Under the cross-heading “Functions under the 1988 Act”—
- (a) for the paragraph beginning “The power of entry”, there shall be substituted—
- “The power of entry, inspection and detention of vehicles under section 68, but only in relation to vehicles brought to the place of inspection in pursuance of a direction given by a vehicle examiner or a constable under subsection (3) of that section.”,
- (b) in the following paragraph, after “69” there shall be inserted “69A,”, and for the word “goods vehicles” there shall be substituted the word “vehicles”.
- (3) Under the cross-heading “Functions under the 1981 Act”, the paragraph beginning “Any functions under section 9” shall be omitted.
- 19 (1) Section 10 of that Act (private sector vehicle testing: supplementary) shall be amended as follows.
- (2) For subsection (3) there shall be substituted—
- “(3) The words “or an authorised inspector” shall be inserted—
- (a) in sections 51(1)(b) and 61(2)(a) of the 1988 Act, after the words “a vehicle examiner”, and
- (b) in section 6(1)(a) and 10(2) of the 1981 Act, after the words “Act 1988”;
- and the words “or authorised inspector” shall be inserted after the word “examiner” wherever occurring in section 69 of the 1988 Act.”
- (3) In subsection (6) for “68(3)” there shall be substituted “68(1)”, and for “(4)” there shall be substituted “(3)”.
- (4) In subsection (9), in subsection (2A) to be inserted in section 20 of the Public Passenger Vehicles Act 1981, for the words “public service vehicle examiner” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.
- (5) In subsection (10) for the words from “certifying officer” to “goods vehicle examiner” there shall be substituted the words “vehicle examiner”.

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20 For section 20 of that Act (substitution of new section for section 72 of the 1988 Act) there shall be substituted—

“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”.

For section 21(4) of that Act (amendments with respect to appeals) there shall be substituted—

“(4) In section 51 of that Act (appeals to the Secretary of State)—

- (a) in subsection (1), after the word “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 word “examiner” in both places where it occurs there shall be inserted the words “prescribed testing authority or authorised inspector concerned”.

(1) Section 24 of that Act (falsification of documents) shall be amended as follows.

(2) In subsection (2) for paragraph (a) there shall be substituted—

- (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”;

(3) In subsection (4), in section 66A(2) to be inserted in the Public Passenger Vehicles Act 1981, for the words “a certifying officer, a public service vehicle examiner” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.

23 In section 26 of that Act (interpretation) for the definition of “goods vehicle examiner” there shall be substituted—

““vehicle examiner” means an examiner appointed under section 66A of the 1988 Act.”