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## SCHEDULES

### SCHEDULE 2

#### EXEMPT VEHICLES

##### *Vehicle testing etc.*

- 22 (1) A vehicle is an exempt vehicle when it is being used solely for the purpose of—
- (a) submitting it (by previous arrangement for a specified time on a specified date) for a compulsory test [<sup>F1</sup>, a vehicle identity check][<sup>F2</sup> or a vehicle weight test], or
  - (b) bringing it away from [<sup>F3</sup> any such test][<sup>F4</sup> or check].
- [<sup>F5</sup>(1A) A vehicle is an exempt vehicle when it is being used solely for the purpose of—
- (a) taking it (by previous arrangement for a specified time on a specified date) for a relevant re-examination, or
  - (b) bringing it away from such a re-examination.]
- (2) A vehicle is an exempt vehicle when it is being used by an authorised person in the course of a compulsory test [<sup>F6</sup>, a vehicle weight test [<sup>F7</sup> or a vehicle identity check or] [<sup>F8</sup> ... a relevant re-examination and is being so used] solely for the purpose of—
- (a) taking it to, or bringing it away from, a place where a part of the test [<sup>F9</sup>, check][<sup>F10</sup> or re-examination] is to be, or has been, carried out, or
  - (b) carrying out a part of the test [<sup>F9</sup>, check][<sup>F10</sup> or re-examination].
- [<sup>F11</sup>(2A) A vehicle is an exempt vehicle when it is being used by an authorised person solely for the purpose of warming up its engine in preparation for the carrying out of—
- (a) a compulsory test [<sup>F12</sup> ... ], or
  - (b) a relevant re-examination that is to be carried out for the purposes of an appeal relating to a determination made on a compulsory test [<sup>F12</sup> ... ].
- (3) Where the relevant certificate is refused on a compulsory test [<sup>F13</sup> ... of a vehicle [<sup>F14</sup> or as a result of a relevant re-examination,] the vehicle is an exempt vehicle when it is being used solely for the purpose of—
- (a) delivering it (by previous arrangement for a specified time on a specified date) at a place where relevant work is to be done on it, or
  - (b) bringing it away from a place where relevant work has been done on it.
- (4) In this paragraph “compulsory test” means, as respects England and Wales and Scotland—
- (a) in the case of a vehicle for which by virtue of section 66(3) of the <sup>M1</sup>Road Traffic Act 1988 a vehicle licence cannot be granted unless certain requirements are satisfied, an examination such as is specified in subparagraph (5), and

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- (b) otherwise, an examination under section 45 of the <sup>M2</sup>Road Traffic Act 1988 with a view to obtaining a test certificate without which a vehicle licence cannot be granted for the vehicle.

(5) The examinations referred to in sub-paragraph (4)(a) are—

- [<sup>F15</sup>(a) an examination under regulations under section 49(1)(b) or (c) of the <sup>M3</sup>Road Traffic Act 1988 (examination as to compliance with construction and use or safety requirements)]
- (b) an examination for the purposes of sections 54 to 58 of that Act (examination as to a <sup>F16</sup> . . . vehicle’s compliance with type approval requirements), [<sup>F17</sup>and]
- <sup>F18</sup>(c) . . . . .
- (d) an examination under regulations under section 61(2)(a) of that Act (examinations in connection with alterations to <sup>F16</sup> . . . vehicles subject to type approval requirements).

[<sup>F19</sup>(6) In this paragraph “compulsory test” means, as respects Northern Ireland—

- (a) an examination to obtain a test certificate under Article 61 of the <sup>M4</sup>Road Traffic (Northern Ireland) Order 1995 without which a vehicle licence cannot be obtained for the vehicle,
- (b) an examination to obtain a goods vehicle test certificate under Article 65 of that Order, or
- (c) an examination to obtain a public service vehicle licence under Article 60(1) of the <sup>M5</sup>Road Traffic (Northern Ireland) Order 1981.]

[<sup>F20</sup>(6ZA) In this paragraph “a vehicle identity check” means any examination of a vehicle for which provision is made by regulations made by virtue of section 22A(2) of this Act.]

[<sup>F21</sup>(6A) In this paragraph “a vehicle weight test” means any examination of a vehicle for which provision is made by regulations under—

- (a) section 61A of this Act,
- (b) section 49(1)(a) of the Road Traffic Act 1988 (tests for selecting plated weights and other plated particulars), or
- (c) Article 65(1)(a) of the <sup>M6</sup>Road Traffic (Northern Ireland) Order 1995.

<sup>F22</sup>(6AA) . . . . .

(6B) In this paragraph “a relevant re-examination” means any examination or re-examination which is carried out in accordance with any provision or requirement made or imposed for the purposes of an appeal relating to a determination made on a compulsory test [<sup>F23</sup>, a vehicle identity check][<sup>F24</sup>or a vehicle weight test].]

(7) In this paragraph “authorised person” means—

- (a) in the case of an examination within sub-paragraph (4)(b), a person who is, or is acting on behalf of, an examiner or inspector entitled to carry out such an examination or a person acting under the personal direction of such a person,
- (b) in the case of an examination within sub-paragraph (5), an examiner appointed under section 66A of the Road Traffic Act 1988, a person carrying out the examination under the direction of such an examiner or a person driving the vehicle in accordance with a requirement to do so under the regulations under which the examination is carried out, <sup>F25</sup> . . .

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- [<sup>F26</sup>(c) in the case of an examination within sub-paragraph (6), an authorised examiner within the meaning of Article 61(3)(a) of the Road Traffic (Northern Ireland) Order 1995 or a vehicle examiner within the meaning of Part III of that Order]
- [<sup>F27</sup>(ca) in the case of an examination of a vehicle for which provision is made by regulations made by virtue of section 22A(2) of this Act, the Secretary of State or a person authorised by him to carry out the examination;] and
- [<sup>F28</sup>(d) in the case of a relevant re-examination—

  - (i) the person to whom the appeal in question is made, or
  - (ii) any person who, by virtue of an appointment made by that person, is authorised by or under any enactment to carry out that re-examination.]
- (8) In this paragraph “the relevant certificate” means, as respects England and Wales and Scotland—

  - (a) a test certificate (as defined in section 45(2) of the Road Traffic Act 1988) [<sup>F29</sup>or],
  - (b) a goods vehicle test certificate (as defined in section 49 of that Act), or
  - (c) a type approval certificate or Minister’s approval certificate (as defined in sections 54 to 58 of that Act), <sup>F30</sup>...
  - <sup>F31</sup>(d) .....
- (9) In this paragraph “the relevant certificate” means, as respects Northern Ireland—

  - [<sup>F32</sup>(a) a test certificate (within the meaning of Article 61(2) of the Road Traffic (Northern Ireland) Order 1995) [<sup>F33</sup>or],
  - (b) a goods vehicle test certificate (within the meaning of Article 65(2) of that Order), or]
  - (c) a type approval certificate or Department’s approval certificate (within the meaning of Article 31A of that Order), <sup>F34</sup>...
  - <sup>F35</sup>(d) .....
- (10) In this paragraph “relevant work” means—

  - (a) where the relevant certificate which is refused is a test certificate <sup>F36</sup>..., work done or to be done to remedy for a further compulsory test the defects on the ground of which the relevant certificate was refused, and
  - (b) in any other case, work done or to be done to remedy the defects on the ground of which the relevant certificate was refused (including work to alter the vehicle in some aspect of design, construction, equipment or marking on account of which the relevant certificate was refused).

**Textual Amendments**

- F1** Words in Sch. 2 para. 22(1)(a) inserted (17.9.2002) by 2001 c. 3, ss. 43, 44, Sch. para. 6(2)(a); S.I. 2002/2377, art. 2(c)
- F2** Words in Sch. 2 para. 22(1)(a) substituted (1.1.2017) by Finance Act 2014 (c. 26), Sch. 18 paras. 3(c)(i), 19
- F3** Words in Sch. 2 para. 22(1)(b) substituted (31.7.1998) by 1998 c. 36, s. 16, Sch. 1 paras. 16(1)(2)(b), 17(2)
- F4** Words in Sch. 2 para. 22(1)(b) inserted (17.9.2002) by 2001 c. 3, ss. 43, 44, Sch. para. 6(2)(b); S.I. 2002/2377, art. 2(c)

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- F5** Sch. 2 para. 22(1A) inserted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(3)(10)**
- F6** Words in Sch. 2 para. 22(2) inserted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(4)(a)(10)**
- F7** Words in Sch. 2 para. 22(2) inserted (17.9.2002) by 2001 c. 3, ss. 43, 44, Sch. para. 6(3)(a); S.I. 2002/2377, **art. 2(c)**
- F8** Words in Sch. 2 para. 22(2) omitted (1.1.2017) by virtue of Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(ii), 19**
- F9** Word in Sch. 2 para. 22(2)(a)(b) inserted (17.9.2002) by 2001 c. 3, ss. 43, 44, Sch. para. 6(3)(b); S.I. 2002/2377, **art. 2(c)**
- F10** Words in Sch. 2 para. 22(a)(b) inserted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(4)(b)(10)**
- F11** Sch. 2 para. 22(2A) inserted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(5)(10)**
- F12** Words in Sch. 2 para. 22(2A) omitted (1.1.2017) by virtue of Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(iii), 19**
- F13** Words in Sch. 2 para. 22(3) omitted (1.1.2017) by virtue of Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(iv), 19**
- F14** Words in Sch. 2 para. 22(3) inserted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(6)(10)**
- F15** Sch. 2 para. 22(5)(a) substituted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(7)(a)(10)**
- F16** Words in Sch. 2 para. 22(5)(b)(d) repealed (*retrospective* to 28.11.1995) by 1996 c. 8, s. 205, **Sch. 41 Pt. II(4) Note**
- F17** Word in Sch. 2 para. 22(5)(b) inserted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(7)(b)(10)**
- F18** Sch. 2 para. 22(5)(c) repealed (*retrospective* to 28.11.1995) by 1996 c. 8, ss. 20(1)(7)(c)(10), 205, **Sch. 41 Pt. II(4) Note**
- F19** Sch. 2 para. 22(6) substituted (in operation 24.1.1996) by 1996 c. 8, s. **21(1)(2)(6)** (with s. 21(7)); S.I. 1995/2994, **art. 1(2)**
- F20** Sch. 2 para. 22(6ZA) inserted (17.9.2002), by 2001 c. 3, ss. 43, 44, Sch. para. 6(4); S.I. 2002/2377, **art. 2(c)**
- F21** Sch. 2 para. 22(6A)(6B) inserted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(8)(10)**
- F22** Sch. 2 para. 22(6AA) omitted (1.1.2017) by virtue of Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(v), 19**
- F23** Words in Sch. 2 para. 22(6B) inserted (17.9.2002) by 2001 c. 3, ss. 43, 44, Sch. para. 6(5); S.I. 2002/2377, **art. 2(c)**
- F24** Words in Sch. 2 para. 22(6B) substituted (1.1.2017) by Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(vi), 19**
- F25** Word in Sch. 2 para. 22(7)(b) repealed (*retrospective* to 28.11.1995) by 1996 c. 8, ss. 20(1)(9)(a)(10), 205, **Sch. 41 Pt. II(4) Note** (with s. 21(3))
- F26** Sch. 2 para. 22(7)(c) substituted (in operation 24.1.1996) by 1996 c. 8, s. **21(1)(3)(6)** (with s. 21(7)); S.I. 1995/2994, **art. 1(2)**
- F27** Sch. 2 para. 22(7)(ca) inserted (17.9.2002) by 2001 c. 3, ss. 43, 44, Sch. para. 6(6); S.I. 2002/2377, **art. 2(c)**
- F28** Sch. 2 para. 22(7)(d) inserted (*retrospective* to 28.11.1995) by 1996 c. 8, s. **20(1)(9)(c)**
- F29** Words in Sch. 2 para. 22(8)(a)(c) inserted (31.7.1998) by 1998 c. 36, s. 16, Sch. 1 paras. 16(1)(8), **17(2)**
- F30** Word in Sch. 2 para. 22(8)(c) omitted (1.1.2017) by virtue of Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(vii), 19**
- F31** Sch. 2 para. 22(8)(d) omitted (1.1.2017) by virtue of Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(vii), 19**
- F32** Sch. 2 para. 22(9)(a)(b) substituted (in operation 24.1.1996) by 1996 c. 8, s. **21(1)(4)(6)** (with s. 21(7)); S.I. 1995/2994, **art. 1(2)**
- F33** Words in Sch. 2 para. 22(9)(a)(c) inserted (31.7.1998) by 1998 c. 36, s. 16, Sch. 1 paras. 16(1)(8), **17(2)**
- F34** Word in Sch. 2 para. 22(9)(c) omitted (1.1.2017) by virtue of Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(vii), 19**
- F35** Sch. 2 para. 22(9)(d) omitted (1.1.2017) by virtue of Finance Act 2014 (c. 26), **Sch. 18 paras. 3(c)(vii), 19**
- F36** Sch. 2 para. 22(10)(a) repealed (*retrospective* to 28.11.1995) by 1996 c. 8, s. 205, **Sch. 41 Pt. II(4) Note**

#### Marginal Citations

- M1** 1988 c. 52.  
**M2** 1988 c. 52.

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**M3** 1988 c. 52.

**M4** S.I. 1995/2994 (N.I. 18).

**M5** S.I. 1981/154 (N.I. 1).

**M6** S.I. 1995/2994 (N.I. 18).

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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. 7(1A) inserted by [2006 c. 49 s. 47\(2\)](#)
- s. 7(5)(za) inserted by [2006 c. 49 s. 47\(3\)](#)
- s. 22(1)(aa) inserted by [2006 c. 49 s. 47\(6\)](#)
- s. 22(1AA) inserted by [2006 c. 49 s. 47\(9\)](#)
- s. 22(1BA) inserted by [2006 c. 49 s. 47\(10\)](#)
- Sch. 1 para. 1N inserted by [2023 c. 1 s. 10\(5\)\(e\)\(7\)](#)
- Sch. 2 para. 20G(2)(za)-(zc) inserted by [2023 c. 1 s. 10\(2\)\(a\)\(i\)\(7\)](#)