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STATUTORY INSTRUMENTS

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**1981 No. 1694**

**ROAD TRAFFIC**

**The Motor Vehicles (Tests) Regulations 1981**

<i>Made</i>	- - - -	<i>25th November 1981</i>
<i>Laid before Parliament</i>		<i>10th December 1981</i>
<i>Coming into Operation</i>		<i>31st December 1981</i>

The Secretary of State for Transport (in these Regulations referred to as “the Secretary of State”) in exercise of the powers conferred by sections 43(1), (2) and (6) and 44(4), (6) and (7) of the Road Traffic Act 1972 and now vested in him<sup>(1)</sup> and of all enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of the said Act of 1972, hereby makes the following Regulations:—

**PART I**  
**GENERAL**

**Commencement and citation**

1. These Regulations shall come into operation on 31st December 1981 and may be cited as the Motor Vehicles (Tests) Regulations 1981.

**Revocation**

2. The Regulations specified in Schedule 4 are hereby revoked.

**Interpretation**

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“the 1972 Act” means the Road Traffic Act 1972;

“the 1981 Act” means the Public Passenger Vehicles Act 1981;

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(1) So far as 1972 c.20 is concerned, by S.I. 1979/571 and 1981/238.

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations 1978<sup>(2)</sup>;

“the Lighting Regulations” means the Road Vehicles Lighting Regulations 1971<sup>(3)</sup>;

“articulated bus”, “articulated vehicle”, “dual-purpose vehicle”, “pedestrian controlled vehicle”, “track laying” and “works truck” have the meanings given by Regulation 3(1) of the Construction and Use Regulations;

“authorisation” means any authorisation in writing by the Secretary of State of an individual, persons in partnership, or a company to carry out examinations of such classes of motor vehicles as may be specified therein;

“company” means a body corporate;

“designated council” means any council designated by the Secretary of State for the purposes of section 43 being the council of a county, of a district or London Borough or (in Scotland) of a region or of an islands area, or the Greater London Council or the Common Council of the City of London;

“examination” means an examination of a motor vehicle for the purposes of section 43;

“examiner” means an individual, persons in partnership, or a company authorised by the Secretary of State in accordance with these Regulations to carry out examinations;

“firm” has the meaning given by section 4 of the Partnership Act 1890;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, including a living van but excluding—

- (i) a dual-purpose vehicle and
- (ii) a motor caravan.

“goods vehicle testing station” means a station at which a goods vehicle test (as defined in section 45(2)) may be carried out;

“large passenger-carrying vehicle” means a motor vehicle which is constructed or adapted to carry more than twelve seated passengers in addition to the driver, and which is not a public service vehicle;

“light motor bicycle” means a motor bicycle of which the cylinder capacity of the engine does not exceed 200 cubic centimetres;

“light motor vehicle” means a motor vehicle with three or more wheels the unladen weight of which does not exceed 450 kilograms;

“living van” means a vehicle, whether mechanically propelled or not, which is used as living accommodation by one or more persons, and which is also used for the carriage of goods or burden which are not needed by such one or more persons for the purpose of their residence in the vehicle;

“Ministry Inspector” means any certifying officer or public service vehicle examiner appointed under section 56(1) and any examiner appointed under section 7 of the 1981 Act;

“motor bicycle” means a two wheeled motor cycle, whether having a sidecar attached to it or not;

“motor caravan” means a motor vehicle (not being a living van) which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed

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(2) As amended by S.I. 1978/233, 1235, 1263 and 1317, 1979/843, 1062, 1980/140, 139, 287, 610, 880, 1166 and 1789 and 1981/261, 697, 915, 1189.

(3) As amended by S.I. 1973/1006, 1975/239, 245 and 1494, 1977/1560, 1978/1261, 1262, 1979/803, 1980/116 and 1855 and 1981/1042.

equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

“normal working week” means—

- (a) in relation to an examiner, the times of the week which in the application of that examiner to the Secretary of State for an authorisation are specified as the times of the week during which that examiner will accept vehicles for examination or such other times of the week as may subsequently be substituted for times so specified by the examiner with the consent of the Secretary of State;
- (b) in relation to a designated council, the times of the week notified to the Secretary of State by that council as the times of the week during which they will accept vehicles for examination; and
- (c) in relation to the Secretary of State, the times of the week during which at any vehicle testing station of the Secretary of State he will accept vehicles for examination;

“public service vehicle” has the meaning given by section 1(1)(a) of the 1981 Act;

“the prescribed statutory requirements” has the meaning given by Regulation 4(2);

“serial number”, in relation to a vehicle the chassis of which has not been constructed separately from its superstructure, means the number given to, and for the purpose of identifying, the vehicle by its manufacturer;

“traffic area” means a traffic area constituted as mentioned in section 80(1) of the 1981 Act and “office” in relation to such an area means any office provided for the use of the traffic commissioners for that area; and

“vehicle testing station” means premises at which the Secretary of State has authorised an examiner to carry out examinations or premises provided by a designated council or the Secretary of State for carrying out examinations.

(2) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered section is a reference to the section bearing that number in the 1972 Act;
- (b) a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations, and
- (c) a numbered paragraph is a reference to the paragraph bearing that number in the Regulations in which the reference appears.

(3) For the purposes of these Regulations the unladen weight of a vehicle shall be computed in accordance with Schedule 6 to the Vehicles (Excise) Act 1971.

(4) In calculating for the purposes of the definition of “large passenger carrying vehicle” the number of seated passengers which the vehicle is constructed or adapted to carry a length of at least 400 millimetres measured horizontally along the front of each seat shall be allowed for the accommodation of each such passenger. Where a continuous seat is fitted with arms for the purpose of separating the seating spaces and the arms are so constructed that they can be folded back or otherwise put out of use, the seat shall be measured for the purposes of this paragraph as though it were not fitted with arms.

(5) For the purposes of these Regulations the provisions of Regulation 3(2) of the Construction and Use Regulations shall apply for determining when a motor vehicle is first used.

### **The prescribed statutory requirements**

4.—(1) In these Regulations the expressions used in an item in column (2)(a) of the Table in Schedule 2 mean the requirements specified in the same item in column (2)(b) of that Table.

(2) The prescribed statutory requirements for the purposes of section 44(1) are—

- (a) in relation to any vehicle in Class I to V, those of the requirements which are referred to in paragraph (1) and specified in items 1 to 11 of Schedule 2 and which are applicable to the vehicle, and
- (b) in relation to any vehicle in Class VI, those of the requirements which are referred to in paragraph (1) and specified in items 1 to 12 of Schedule 2 and which are applicable to the vehicle

and in these Regulations those requirements are referred to as “the prescribed statutory requirements”.

(3) Subject to the provisions of these Regulations, every vehicle to which these Regulations apply and which is submitted for examination in accordance with the provisions of these Regulations shall be examined for the purpose of ascertaining whether those of the prescribed statutory requirements which are applicable to the vehicle have been complied with at the date of the examination.

(4) An examination of a vehicle, or vehicle parts, for the purpose of ascertaining whether the requirements specified in an item in column (2) of the Table in Schedule 2 are satisfied shall be conducted as mentioned in Schedule 3.

### **Classification of Vehicles and Application of Regulations**

**5.—(1)** For the purposes of these Regulations motor vehicles to which they apply are classified as follows:—

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Class I:	Light motor bicycles
Class II:	Motor bicycles other than light motor vehicles
Class III:	Light motor vehicles
Class IV:	Motor cars and heavy motor cars not being vehicles within Classes III, V or VI
Class V:	Large passenger-carrying vehicles and public service vehicles of a type specified in paragraph (3)
Class VI:	Public service vehicles other than those of a type specified in paragraph (3)

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and (except where otherwise provided in these Regulations) any reference in these Regulations to a class of vehicles shall be construed accordingly.

(2) Save as provided in Regulation 6, these Regulations apply to every vehicle of a class specified in paragraph (1).

(3) The public service vehicles mentioned in paragraph (1) as included in Class V are public service vehicles in respect of which no certificate of initial fitness has been issued and which are lawfully in use without one by virtue of—

- (a) section 45 of the 1981 Act (a bus being used to provide a community bus service), or
- (b) section 46 of the 1981 Act (a school bus belonging to a local education authority and being used to provide free school transport and carrying as fare-paying passengers persons other than those for whom the free school transport is provided, and a school bus being used, when it is not being used to provide free school transport, to provide a local bus service).

### **Exemptions**

**6.—(1)** Pursuant to section 44(4) the Secretary of State hereby prescribes the following vehicles as those to which section 44 does not apply:—

- (i) a heavy locomotive,

- (ii) a light locomotive,
  - (iii) a motor tractor,
  - (iv) a track laying vehicle,
  - (v) a goods vehicle, the unladen weight of which exceeds 1525 kilograms,
  - (vi) an articulated vehicle not being an articulated bus,
  - (vii) a vehicle exempt from duty under section 7(1) of the Vehicles (Excise) Act 1971,
  - (viii) a works truck,
  - (ix) a pedestrian controlled vehicle,
  - (x) a vehicle (including a cycle with an attachment for propelling it by mechanical power) which is adapted, and used or kept on a road, for invalids, and which—
    - (i) does not exceed 306 kilograms in weight unladen, or
    - (ii) exceeds 306 kilograms but does not exceed 510 kilograms in weight unladen, and are supplied and maintained by or on behalf of the Department of Health and Social Security, the Scottish Office or the Welsh Office;
  - (xi) a vehicle temporarily in Great Britain displaying a registration mark mentioned in Regulation 5 of the Motor Vehicles (International Circulation) Regulations 1971, a period of twelve months not having elapsed since the vehicle was last brought into Great Britain;
  - (xii) a vehicle proceeding to a port for export;
  - (xiii) a vehicle in the service of a visiting force or of a headquarters (within the meaning given by Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965).
  - (xiv) a vehicle provided for police purposes and maintained in workshops approved by the Secretary of State as suitable for such maintenance, being a vehicle provided in England and Wales by a police authority or the Receiver for the Metropolitan Police District, or, in Scotland, by a police authority or a joint police committee;
  - (xv) a vehicle which has been imported into Great Britain and to which section 44(2)(b) applies, being a vehicle owned by or in the service of the naval, military or air forces of Her Majesty raised in the United Kingdom and used for naval, military or air force purposes;
  - (xvi) a vehicle in respect of which a test certificate issued in accordance with Article 34 of the Road Traffic (Northern Ireland) Order 1981 is in force or which are licensed under the Vehicles (Excise) Act (Northern Ireland) 1972;
  - (xvii) an electrically propelled goods vehicle the unladen weight of which does not exceed 1525 kilograms; and
  - (xviii) subject to the provisions of paragraph (4), a hackney carriage or a cab in respect of which there is in force a licence under—
    - (a) section 6 of the Metropolitan Public Carriage Act 1869, or
    - (b) the Town Police Clauses Act 1847, the Burgh Police (Scotland) Act 1892 or any similar local statutory provision,to ply for hire;
  - (xix) subject to the provisions of paragraph (4), a private hire car in respect of which there is in force a licence granted by a local authority, or, in Scotland, by a local authority or a police authority.
- (2) Pursuant to section 44(6) the Secretary of State hereby exempts from section 44(1) the use of a vehicle—
- (a) (i) for the purpose of submitting it by previous arrangement for, or bringing it away from, an examination, or

- (ii) in the course of an examination, for the purpose of taking it to, or bringing it away from, any place where a part of the examination is to be or, as the case may be, has been, carried out, or of carrying out any part of the examination, the person so using it being either—
  - (A) an examiner, or a Ministry Inspector or an inspector appointed by a designated council, or
  - (B) a person acting under the personal direction of an examiner, a Ministry Inspector or a designated Council, or
- (iii) where a test certificate is refused on an examination—
  - (A) for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy for a further examination the defects on the ground of which the test certificate was refused; or
  - (B) for the purpose of delivering it, by towing it, to a place where the vehicle is to be broken up;
- (b) for any purpose for which the vehicle is authorised to be used on roads by an order under section 42;
- (c) where the vehicle has been imported into Great Britain, for the purpose of its being driven after arrival in Great Britain on the journey from the place where it has arrived in Great Britain to a place of residence of the owner or driver of the vehicle;
- (d) for the purpose of removing it in pursuance of section 3 of the Refuse Disposal (Amenity) Act 1978, of moving or removing it in pursuance of regulations under section 20 of the Road Traffic Regulation Act 1967 as altered by the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967, or of removing it from a parking place in pursuance of an order under section 31(1) of the Road Traffic Regulation Act 1967, an order relating to a parking place designated under section 35 thereof, or a provision of a designation order having effect by virtue of section 39(2) thereof;
- (e) where the vehicle has been detained or seized by a police constable, for police purposes connected with such detention or seizure;
- (f) where the vehicle has been removed, detained or seized or condemned as forfeited under any provision of the Customs and Excise Management Act 1979 for any purpose authorised by an officer of Customs and Excise;
- (g) for the purpose of testing it by a motor trader as defined in section 16(8) of the Vehicles (Excise) Act 1971, to whom a trade licence has been issued under that section, during the course of, or after completion of repairs carried out to that vehicle by that motor trader.

(3) Pursuant to section 44(7) the Secretary of State hereby exempts from section 44(1) the use of a vehicle on any island in any area mainly surrounded by water, being an island or area from which motor vehicles, unless constructed for special purposes can at no time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicle:

Provided that this Regulation does not apply to any of the following islands, namely, the Isle of Wight, the islands of Arran, Bute, Great Cumbrae, Islay, Lewis, Mainland (Orkney), Mainland (Shetland), Mull, North Uist and Skye.

(4) The exemptions specified in paragraph (1)(xviii) and (xix) do not obtain unless the authority which issued the licence holds a certificate issued by the Secretary of State evidencing that he is satisfied that the issue of the licence is subject to the vehicle first passing an annual test relating to the prescribed statutory requirements; and, as from 1st January 1983,

- (a) in the case of a vehicle of a kind mentioned in paragraph (1)(xviii) first used more than one year before the licence there mentioned was issued, or
- (b) in the case of a vehicle of a kind mentioned in paragraph (1)(xix) first used more than three years before the licence there mentioned was issued

the authority which issued the licence also issued to the licensee a certificate recording that on the date on which the certificate was issued that authority was, as a result of a test, satisfied that the prescribed statutory requirements were satisfied.

(5) In this Regulation—

“private hire car” means a motor vehicle which is not a vehicle licensed to ply for hire under the provisions of the Metropolitan Public Carriage Act 1869, Town Police Clauses Act 1847, the Burgh Police (Scotland) Act 1892 or any similar local statutory provision with respect to hackney carriages but which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed to ply for hire under the said provisions; and

“test” means an examination of a vehicle in relation to the prescribed statutory requirements conducted—

- (i) by a person authorised as an examiner or appointed as an inspector under section 43 or acting on behalf of a person so authorised, or
- (ii) by a person on behalf of a police authority in England or Wales, or
- (iii) by a person on behalf of a police authority or a joint police committee in Scotland.

## PART II

### AUTHORISED EXAMINERS

#### Applications for authorisations

7.—(1) Applications for authorisations may be made by—

- (a) an individual proposing to carry out examinations otherwise than on behalf of any other person;
- (b) persons in partnership; or
- (c) a company.

(2) Every application shall be made—

- (a) on a form approved by the Secretary of State and signed, where the application is made under paragraph (1)(a), by the individual making the application and, where the application is made under paragraph (1)(b) or (c) by a person duly authorized by the firm or company; and
- (b) by sending the said form to the Secretary of State at the office of the traffic area in which is situated the place at which the applicant proposes to carry out examinations.

(3) In a case where the applicant proposes to carry out examinations at more than one place the Secretary of State may require as many applications to be made as there are such places.

#### Authorisations

8.—(1) When an application has been made in accordance with Regulation 7 the Secretary of State may, after making such investigations and carrying out such inspections as he may think fit,

authorise the individual, persons in partnership or company by whom the application is made to be an examiner for the purpose of carrying out examinations of any class or classes of motor vehicles.

(2) The Secretary of State may at any time, if he so thinks fit, authorise in writing any person to carry out examinations notwithstanding that the requirements of Regulation 7 have not been complied with.

### **Conditions to be complied with by authorised examiners**

9.—(1) Subject to the provisions of these Regulations, every examiner shall comply with such conditions, if any, as may be specified in the authorisation of that examiner and also with the following conditions—

- (a) the examiner shall carry out in accordance with these Regulations examinations of motor vehicles of any such class as is specified in the authorisation of the examiner and shall in all other respects comply with such of the provisions of these Regulations as apply to the examiner;
- (b) the examiner shall arrange for examinations to be carried out or to be personally supervised, and for test certificates to be signed, by persons who—
  - (i) are competent to act for such a purpose; and
  - (ii) if they are not the examiner or, where the examiner is persons in partnership one of those persons, carry out the examination in a manner which is under the direct control of the examiner:

Provided that no person shall be first authorised to carry out or supervise an examination or sign a test certificate after 1st January 1977 unless he has successfully completed a course of instruction approved for the purpose by the Secretary of State;

- (c) the examiner shall give notice to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station of that examiner of the names of all persons who are from time to time authorised in pursuance of arrangements made in accordance with sub-paragraph (b) above to carry out or personally supervise examinations at that station and in either case to sign test certificates; and every such notice shall be given within seven days after the date of any such authorisation;
- (d) the examiner shall put up and keep exhibited inside the vehicle testing station of that examiner in some conspicuous place so as to be legible to persons submitting vehicles for examination at that station—
  - (i) the authorisation in which that vehicle testing station is specified, and
  - (ii) a list of the names of the persons for the time being authorised to carry out or personally supervise examinations at that station and in either case to sign test certificates;
- (e) the examiner shall put up and keep exhibited outside the vehicle testing station of that examiner in a conspicuous place a sign of the size, colour and type shown in the diagram set out in Part I of Schedule 1 and complying with the conditions specified in Part II of Schedule 1;
- (f) the examiner shall, after not less than three clear days' notice given to that examiner by the Secretary of State, make the vehicle testing station of that examiner and the apparatus at that station with which examinations are carried out available for the purpose of an examination to be carried out by the Secretary of State as a result of an appeal which has been made against the refusal of a test certificate (whether by that or any other authorised examiner or by an inspector appointed by a designated council or the Secretary of State);
- (g) the examiner shall give notice to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station of the examiner—



- (i) in a case where the examiner is the sole individual named in an authorisation, of his entering into any partnership with a view to carrying on a business which will comprise the carrying out of examinations at that station; and
- (ii) in a case where the examiner is persons in partnership, of any change in the constitution of the firm,

and such notice shall be given not later than seven days after the occurrence of the entry into partnership or the change in the constitution, as the case may be.

(2) The Secretary of State may give notice to an examiner that in the opinion of the Secretary of State any person should not carry out or supervise examinations, or sign test certificates, and on receipt of that notice the examiner shall arrange that that person shall no longer carry out or supervise examinations or sign test certificates, as the case may require.

### **Termination of authorisations**

**10.**—(1) An authorisation of an individual as an examiner terminates if he—

- (a) dies; or
- (b) is adjudged bankrupt or, in Scotland, has his estate sequestrated; or
- (c) becomes a patient within the meaning of Part VIII of the Mental Health Act 1959 or, in Scotland, becomes incapable of managing his own affairs.

(2) An authorisation as an examiner of persons in partnership terminates if the firm is dissolved.

(3) An authorisation as an examiner of a company terminates if in relation to the company—

- (a) a winding-up order is made;
- (b) a resolution for voluntary winding-up is passed;
- (c) a receiver or manager of the body's undertaking is appointed; or
- (d) the taking of possession, by or on behalf of the holders of any debenture secured by a floating charge, or of any property of the body comprised in or subject to the charge, occurs.

(4) An examiner may at any time give notice to the Secretary of State stating that after such date as may be specified in the notice that examiner does not propose to continue to act as an examiner under any of the authorisations of that examiner or under such authorisation as may be specified in the notice, and any authorisation to which the said notice relates shall cease to have effect on the date so specified in relation to it.

(5) The Secretary of State may at any time give to an examiner a notice which states—

- (a) that as from a date specified in the notice such one or more of the authorisations of the examiner as are specified in the notice shall, unless the notice is cancelled before that date, cease;
- (b) in a case where the date on which the authorisation or authorisations shall cease is less than 28 days from the date of the notice, that the Secretary of State considers it necessary that the notice shall have early effect; and
- (c) that within 14 days from the date of the notice the examiner (or any person acting on his behalf) may make to the Secretary of State, at an address specified in the notice, written representations to the effect that any authorisation to which that notice relates should not cease or should be restored.

(6) An authorisation in respect of which a notice is given in accordance with paragraph (5) shall, save as provided in paragraph (5)(a), cease on the date specified in the notice as the date on which the authorisation shall cease.

### Forms and documents to be returned to Secretary of State

**11.**—(1) If an authorisation of an examiner or the designation of a Council ceases to have effect, the former examiner or, if appropriate, his authorised representative, or, as the case may be, the Council shall send to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station specified in the authorisation ceasing to have effect or the vehicle testing station of the council such of the following documents as are then in the possession of the examiner or the council—

- (a) all unused forms of test certificates, inspection check lists and notices of refusal to issue a test certificate;
- (b) all copies of test certificates and notices of the refusal of test certificates;
- (c) all other records kept in accordance with Regulation 22; and
- (d) in the case of the authorisation of an examiner ceasing to have effect, the document of authorisation:

Provided that where an authorisation of an examiner ceases to have effect but some other authorisation of that examiner continues in force the Secretary of State may consent to the retention by that examiner of all or any of the documents mentioned in sub-paragraphs (a) to (d) above.

(2) On receipt by the Secretary of State of any unused forms of test certificates sent to him in accordance with paragraph (1) he shall repay to the authorised examiner or the authorised representatives of that examiner, or to the council, as the case may be, such amount as may have been paid to the Secretary of State for the supply of the said forms.

(3) The Secretary of State may in respect of unissued forms of test certificates which are returned to him as having been cancelled because they have been spoilt or defaced make an appropriate refund to the examiner or designated council by whom the forms are so returned.

## PART III EXAMINATIONS

<i>(1)</i> Item No.	<i>(2)</i> Circumstances in which application is made	<i>(3)</i> Place to which application must be made	<i>(4)</i> Manner in which appointment must be made
1.	Application relating to a vehicle in respect of which— (a) no certificate has been issued under these Regulations, or (b) no application for an examination has been made since a certificate was last issued for it under these Regulations, or (c) an application for an examination was last	The Goods Vehicle Centre (PSV Section) Welcombe House, 91-92 The Strand, Swansea, SA12 0H	By arrangement following application made in writing.

<i>(1)</i> <i>Item No.</i>	<i>(2)</i> <i>Circumstances in which application is made</i>	<i>(3)</i> <i>Place to which application must be made</i>	<i>(4)</i> <i>Manner in which appointment must be made</i>
	made more than 28 days previously.		
2.	Application in any case not mentioned in item 1 above (including a re-examination).	A goods vehicle testing station if the applicant desires the examination to be conducted there, or, if he does not so desire, any traffic area office.	By arrangement following application made in writing or, during the normal working week, by other means.

**Applications for examinations**

12.—(1) An application for an examination of a vehicle in Class VI under these Regulations shall be made to the Secretary of State as indicated in the Table on page 12.

(2) An application for an examination (including a re-examination) of a vehicle in a class other than Class VI under these Regulations shall be made as indicated in the Table below:—

<i>(1)</i> <i>Item No.</i>	<i>(2)</i> <i>Person or body to whom application must be made</i>	<i>(3)</i> <i>Manner in which appointment must be made</i>
1.	An examiner or a designated council.	By arrangement following application made in writing or, during the normal working week, by telephone to, or in person at (whether by submitting the vehicle or not), the vehicle testing station where the applicant desires the vehicle to be examined.
2.	The Secretary of State.	By arrangement following prior application.

(3) Subject to the following provisions of these Regulations, examiners and designated councils shall ensure that—

- (a) where in accordance with the provisions of paragraph (2) an appointment is requested for the carrying out of an examination by the examiner or, as the case may be, the designated council, an appointment is forthwith offered for the carrying out of the examination at the earliest time at which it is reasonably practicable for the examination to be carried out during the normal working week;
- (b) where in accordance with the provisions of paragraph (2) a vehicle is submitted for examination by the examiner or, as the case may be, the designated council without any appointment for the carrying out of the examination having been previously made, the applicant is informed either that the examination can be carried out forthwith or, if not, of the earliest time at which it is reasonably practicable for the examination to be carried out during the normal working week;
- (c) except in so far as prevented by circumstances beyond the control of the examiner or council, examinations are carried out in accordance with the appointments made or the

information given in pursuance of the preceding provisions of this paragraph or at such other times as may be arranged between the applicant and the examiner or council.

(4) On an appointment being made or a time being arranged for the carrying out of an examination in accordance with paragraph (3) the examiner or the designated council, as the case may be, shall record the hour and the date thereof and the name of the person by whom the application for the examination is made:

Provided that no such record needs to be made in a case where a vehicle is submitted for examination at a vehicle testing station of an examiner or designated council, without any appointment for the carrying out of the examination having been previously made, and the examination is carried out forthwith.

(5) Any examiner and any inspector appointed by a designated council or the Secretary of State may carry out an examination of a motor vehicle in accordance with the provisions of these Regulations notwithstanding that the foregoing provisions of this Regulation have not been complied with.

(6) Nothing in this Regulation shall be taken as entitling an examiner to carry out an examination of a vehicle not being of a type included in the authorisation of the examiner, or as imposing on a designated council or an inspector appointed by such a council any obligation with respect to the carrying out of an examination of a vehicle not being of a type which that council have for the time being notified to the Secretary of State as a type of vehicle which will be examined by inspectors appointed by that council.

#### **Requirements as to vehicles submitted for examinations**

**13.** An examiner and an inspector appointed by a designated council or the Secretary of State shall not be under any obligation to carry out an examination of a motor vehicle where—

- (a) on the submission of a vehicle for an examination the applicant does not, after being requested to do so, produce the registration book issued under the Road Vehicles (Registration and Licencing) Regulations 1971 relating to the vehicle, or other evidence, acceptable to the examiner, inspector or Secretary of State, of the date of the vehicle's first use or manufacture and the chassis or serial number given to the vehicle by its manufacturer and, if the manufacturer has also given the vehicle an identification number, that number also;
- (b) the vehicle or any part thereof or any of its equipment is so dirty as to make it unreasonably difficult for the examination to be carried out in accordance with the provisions of these Regulations;
- (c) the examiner or inspector is not able with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out to complete the examination without the vehicle being driven and the vehicle is not when submitted for examination, either for want of fuel or oil or for any other reason, fit to be driven to such extent as may be necessary for the purposes of the carrying out of the examination;
- (d) before the carrying out of an examination of a motor vehicle any things which are on the vehicle, and are not part of its equipment or accessories, are required by the examiner or inspector to be removed from the vehicle or to be secured in such manner as he may think necessary and the things are not removed or secured accordingly, and
- (e) in a case where the fee for the examination is payable in advance of the examination the examiner, or inspector, or the Secretary of State is not satisfied that the fee payable for the examination has been paid as required by Regulation 20(2)(a) or (b)(i).

### **Conditions as to responsibility for damage to vehicles and third party liabilities**

14.—(1) Where a motor vehicle has been submitted for an examination to be carried out by an examiner or an inspector appointed by a designated council or the Secretary of State, the examiner, designated council or the Secretary of State (as the case may be) shall have the same responsibility for—

- (a) loss of or damage to the vehicle or its equipment or accessories occurring in connection with the carrying out of the examination during any period while the vehicle is, in connection with the carrying out of the examination, in the custody of the examiner, council or the Secretary of State, and
- (b) loss of or damage to any other property or personal injury (whether fatal or not), being loss, damage or injury arising out of the use of the vehicle in connection with the carrying out of the examination,

as would rest on a person who, having the same facilities for carrying out the examination as are available to the person who is to carry out the examination, had undertaken for payment to accept the custody of the vehicle and to carry out the same examination under a contract making no express provision with respect to the incidence of liability as between the parties thereto for any such loss, damage or injury.

(2) No person submitting a vehicle for an examination or having an interest in such a vehicle shall be requested or required by an examiner, a designated council or the Secretary of State either directly or indirectly to accept any responsibility for, or to give any release or indemnity in respect of, any loss, damage or injury for which the examiner, council or Secretary of State (as the case may be) are responsible under paragraph (1).

(3) Nothing in paragraph (1) or (2) shall preclude any person from being requested or required to accept any responsibility for, or to give a release or indemnity in respect of—

- (a) loss of or damage to a vehicle or its equipment or accessories occurring during any period while the vehicle is in the custody of an examiner, a designated council or the Secretary of State after the time when the vehicle is required to be removed from such custody in pursuance of the provisions of Regulation 17(1), or
- (b) loss, damage or injury arising out of the carrying out by an examiner, at the request of the person submitting the vehicle for an examination or of a person having an interest in the vehicle, of repairs to the vehicle or of repairs or replacements of its equipment or accessories.

(4) In this Regulation—

- (a) references to an examination, in relation to a vehicle which, after the carrying out of an examination, remains in the custody of an examiner, a designated council or the Secretary of State in order that a further examination of that vehicle may be carried out, include references to that further examination, and
- (b) references to a period while a vehicle is in the custody of a designated council or the Secretary of State include references to any period while a vehicle is, in connection with the carrying out of an examination of the vehicle by an inspector appointed by such a council or the Secretary of State, in the control or care of such an inspector.

### **Results of examinations**

15.—(1) Subject to the provisions of these Regulations, examiners and inspectors appointed by a designated council or the Secretary of State shall, after an examination of a motor vehicle is completed and, subject to paragraph (2), on the same date as that on which the examination is completed—

- (a) where it is found on the examination that the prescribed statutory requirements are complied with in relation to the vehicle, issue a test certificate;
  - (b) where it is not so found on the examination, issue a notice of the refusal of a test certificate; and
  - (c) in the case of a Class III, IV or V vehicle issue an inspection check list on a form approved by the Secretary of State marked “VT29” or, in the case of a Class VI vehicle, “VTP30”.
- (2) Where it is not practicable for a test certificate and inspection check list to be issued on the same date as that on which the examination of the vehicle is completed the said certificate and list may be issued within one day following that date, if between the time of the completion of the examination and the time of issue of the test certificate the vehicle has not been moved from the vehicle testing station at which the examination was carried out and the condition of the vehicle has not altered so as to result in the prescribed statutory requirements being no longer complied with in relation thereto, and where it is not practicable for a notice of the refusal of a test certificate and inspection check list to be issued on the same date as that on which the examination of the vehicle is completed, the said notice and list may be issued within one day following that date.
- (3) Subject to the provisions of these Regulations—
- (a) every test certificate shall be on a form supplied by the Secretary of State (marked “VT20” or, if it relates to a Class VI vehicle, “VTP20”) and shall contain—
    - (i) particulars of the registration mark (if any) exhibited on the vehicle or, if no such mark is exhibited, the chassis or serial number marked on the vehicle;
    - (ii) the make of the vehicle, its approximate year of manufacture, and the mileage recorded by any odometer with which it is fitted;
    - (iii) if the vehicle is a goods vehicle, its unladen weight specified in kilograms, or if it is not a goods vehicle, its horse-power or cylinder capacity;
    - (iv) a statement that the vehicle has been found on examination to comply with the prescribed statutory requirements;
    - (v) the number of the vehicle testing station where the examination occurred;
    - (vi) the date of the issue of the test certificate and the date on which it will expire;
    - (vii) the serial number of the test certificate; and
    - (viii) if the date of the expiry of the certificate is more than 12 months after the date of the its issue, the serial number of the certificate last issued in respect of the vehicle;
  - (b) every notice of the refusal of a test certificate shall be on a form supplied by the Secretary of State (marked “VT21” or, if it relates to a Class VI vehicle, “VTP30”) and shall contain—
    - (i) the information mentioned in sub-paragraph (a)(i), (ii) and (iii);
    - (ii) a statement that the application for a test certificate is refused, and of the grounds of such refusal; and
    - (iii) the date on which the notification is issued and the number allotted by the Secretary of State to the vehicle testing station at which it is issued.
- (4) Every test certificate, notice of the refusal of a test certificate and inspection check list issued in accordance with the provisions of this Regulation and Regulation 16 shall, after the examination has been carried out, be signed—
- (a) where the examination is carried out at the premises of an examiner, by the person who carried out the examination;
  - (b) where the examination is carried out by an inspector appointed by a designated council or the Secretary of State, by that inspector who shall specify the authority by whom he has been appointed as inspector,

and any signature on a test certificate or notice of refusal of a test certificate by a person in accordance with sub-paragraph (a) above or by an inspector appointed by a designated council in accordance with sub-paragraph (b) above shall be accompanied by an embossment by a stamp of the examiner or the council on whose behalf the certificate of notice is signed.

### **Refusal of a test certificate where braking test cannot be carried out**

**16.**—(1) Where in the course of an examination of a vehicle by an examiner or an inspector appointed by a designated council or the Secretary of State it is found that there are such defects in the construction or condition of the vehicle or its equipment or accessories that to carry out a braking test of the vehicle in the manner in which braking tests of such vehicles are carried out at the vehicle testing station at which the examination is being carried out would be likely to cause danger to any person or damage to the vehicle or any other property, the examiner or inspector shall not carry out the braking test but shall complete the rest of the examination in accordance with the provisions of these Regulations.

(2) Where in any such case as is mentioned in paragraph (1) an examiner or inspector does not carry out a braking test of a vehicle, he shall provide the applicant for the test with a notice on a form marked “VT22” or, if it relates to a Class VI vehicle, “VTP30”, supplied by the Secretary of State and stating—

- (a) that he could not safely carry out the braking test, and the reason therefor, and
- (b) the particulars mentioned in Regulation 15(2)(b)(ii) and (iii).

(3) In this Regulation “braking test”, means that part of the examination of that vehicle which is required or authorised to be carried out to ascertain whether the braking requirements are complied with.

### **Removal of vehicles submitted for examination**

**17.**—(1) Where a vehicle has been submitted for an examination at a vehicle testing station of an examiner, a designated council or the Secretary of State, the person by whom the vehicle has been so submitted shall save as may otherwise be permitted by the examiner, designated council or the Secretary of State, as the case may be, cause it to be removed from the custody of the examiner, council or the Secretary of State, as the case may be—

- (a) where an appointment or arrangement has been made for the carrying out of the examination on a particular day and the examination has been completed on or before that day, before the end of the second day after that day, or
- (b) in any other case, before the end of the second day after the day on which the person submitting the vehicle for examination is given notice (whether in writing or not)—
  - (i) that the examination has been carried out, or
  - (ii) in a case where the examination is not carried out by reason of any of the provisions of Regulation 13 that he is to remove the vehicle from such custody.

(2) In this Regulation—

- (a) references to an examination, in relation to a vehicle which, after the carrying out of an examination, remains in the custody of an examiner, a designated council or the Secretary of State in order that a further examination of that vehicle may be carried out, include references to that further examination, and
- (b) references to a vehicle as being in the custody of a designated council or the Secretary of State include references to a vehicle which is, in connection with the carrying out of an examination by an inspector appointed by such a council or the Secretary of State, in the control or care of such an inspector.

## PART IV

### APPEALS

#### Appeal on refusal of a test certificate

**18.**—(1) A person to whom a notice of the refusal of a test certificate has been issued may appeal to the Secretary of State and, save as may be otherwise permitted by the Secretary of State, any such appeal shall—

- (a) be on a form approved by the Secretary of State and contain the particulars required by that form;
- (b) be sent to the office of any traffic area within 14 days from the date of the said notice.

(2) As soon as reasonably practicable after the date on which the Secretary of State receives a notice in accordance with paragraph (1) he shall send to the appellant, at his address given on the said notice, a notice stating—

- (a) the place at which the examination for the purposes of the appeal will occur, and
- (b) the time at which that examination will start.

(3) Save as may be otherwise permitted by the Secretary of State, the examination mentioned in paragraph (2) shall not occur unless the applicant, or a person acting on his behalf—

- (a) submits the vehicle in respect of which the appeal is made to the place specified in the notice given by the Secretary of State mentioned in paragraph (2) not later than the time specified in that notice as that at which the examination will start;
- (b) produces to the person appointed by the Secretary of State to carry out the examination—
  - (i) the notice of the refusal of a test certificate issued as a result of the examination in connection with which the appeal is made, and
  - (ii) the registration document relating to the vehicle or other sufficient evidence of the date of its first registration or date of manufacture; and
- (c) gives to that person such information as he may reasonably require in connection with the carrying out of the examination relating to any alteration made or repairs carried out or any accident or other event occurring, since the date of the said notice, which may have affected the vehicle or its equipment or accessories,

and the said officer shall not be required to carry out the examination unless such notice, registration document or other evidence is produced and such other information is given.

(4) The provisions of Regulations 4(4), 13(b), (c) and (d) and 16 shall apply in relation to an examination for the purposes of an appeal as they apply in relation to other examinations, and as if references therein to—

- (a) an inspector appointed by the Secretary of State were references to the person carrying out the examination for the purposes of the appeal;
- (b) a vehicle testing station were references to the place where the examination for the purposes of the appeal occurs.

(5) When a person completes an examination under the provisions of this Regulation he shall issue to the appellant—

- (a) either
  - (i) a test certificate, or
  - (ii) a notice of the refusal of a test certificate stating the grounds thereof; and
- (b) an inspection check list.



(6) Test certificates, notices of the refusal of a test certificate, and inspection check lists issued under this Regulation—

- (a) shall, subject to such modifications as may be appropriate, be in the same form and contain the same particulars as are appropriate in the case of a test certificate, notices of the refusal of a test certificate and an inspection check list issued under the provisions of these Regulations by an inspector appointed by the Secretary of State, and
- (b) shall be signed on behalf of the Secretary of State by the officer carrying out the examination for the purposes of the appeal.

(7) The above provisions of this Regulation do not apply where a notification of refusal of a test certificate has been issued following an examination for the purpose of an appeal.

### **Payments to examiners and designated councils at whose premises examinations on appeals are carried out**

**19.** Where arrangements are made for the carrying out at a vehicle testing station of an examiner or designated council of an examination for the purposes of an appeal under Regulation 18 an amount equal to one half of the amount payable on that appeal shall be payable by the Secretary of State to that examiner or council, as the case may be, in respect of the use of the station and apparatus thereat to be made available under the said arrangements:

Provided that the said amount shall not be payable—

- (a) if the Secretary of State gives the examiner or council not less than one day's notice (whether in writing or otherwise) that the examination is not to take place in accordance with the said arrangements, or
- (b) if the examiner or council, as the case may be, does not make the testing station and the apparatus thereat available to the Secretary of State to his reasonable requirements.

## **PART V**

### **FEES**

#### **Fees for examinations**

**20.**—(1) The fee payable for an examination of a vehicle pursuant to an application made under Regulation 12 is—

- (a) in the case of a motor bicycle not having a side car attached to it, £4.26;
- (b) save as provided in paragraph (4) in the case of a vehicle in Class VI,—
  - (i) if the vehicle is constructed or adapted to carry more than 12 passengers, £29,
  - (ii) in any other case, £20;
- (c) in any other case, £7.10.

(2) Subject to the following provisions of this Regulation, every fee prescribed by paragraph (1) shall be paid—

- (a) if the application is one to which item 1 in the Table to Regulation 12(1) applies, or is one (other than an application for a re-examination) to which item 2 in that Table applies, by a remittance accompanying the application;
- (b) if the application is one to which Regulation 12(2) applies or, in the case of an application for a re-examination, is one to which item 2 in the Table to Regulation 12(1) applies—

- (i) before the examination is carried out if the Secretary of State or the examiner or designated council by whom the examination is to be carried out so requires; and
- (ii) after the examination is carried out in all other cases.

(3) Where, on an examination of vehicle other than a vehicle in Class VI, it is found that some or all of the prescribed statutory requirements are not complied with or where, in the circumstances mentioned in Regulation 16, a full examination of the braking system or systems of the vehicle is not carried out, then—

- (a) if the vehicle is left at the vehicle testing station at which the examination took place so that the defects which have been revealed can be repaired, no fee shall be payable in respect of any further examination carried out there on the completion of those repairs,
- (b) if the vehicle is removed from that vehicle testing station in consequence of the notice of refusal of a test certificate but, within 14 days of the date of issue of that notice it is brought to and left at that or some other vehicle testing station so that the defects which have been revealed by the examination can be repaired and a further examination of the vehicle is carried out there on the completion of those repairs, the fee payable in respect of that further examination shall be one half of the amount prescribed in paragraph (1).

(4) Where, on an examination of a vehicle in Class VI, it is found that some or all of the prescribed statutory requirements are not complied with, or where, in the circumstances mentioned in Regulation 16, a full examination of the braking system or systems of the vehicle is not carried out, then the fee payable in respect of a further examination shall be—

- (a) if the vehicle is submitted for a further examination within 14 days of the date of the issue of the notice of refusal of a test certificate—
  - (i) if the vehicle is constructed or adapted to carry more than 12 passengers, £15,
  - (ii) in any other case, £10;
- (b) if the vehicle is not so submitted—
  - (i) if the vehicle is constructed or adapted to carry more than 12 passengers, £29,
  - (ii) in any other case, £20.

(5) The fees prescribed by paragraphs (1), (3)(b) and (4) shall be payable notwithstanding that the vehicle is not submitted for examination in accordance with any such appointment or arrangement as is mentioned in Regulation 12:

Provided that if the applicant for the examination has not less than one day before the time so appointed or arranged given the examining authority notice (whether in writing or otherwise) that the applicant does not propose to submit the vehicle for examination at the time so appointed or arranged, the application shall be treated for the purposes of this Regulation as one in respect of which no fee is payable and any amount previously paid in respect of such a fee shall be repayable by the examining authority to the applicant unless another time is arranged for the carrying out of the examination.

(6) No fee shall be payable on an application for an examination of any vehicle, not being a vehicle in Class VI, in any case where in pursuance of any of the provisions of Regulation 13 an authorised examiner or the inspector appointed by a designated council or the Secretary of State does not carry out the examination, and any amount previously paid in any such case in respect of such a fee shall be repaid by the examining authority to the applicant.

(7) The fee prescribed in paragraph (4) shall not be payable if—

- (a) the vehicle is submitted for a re-examination on the same day as the day on which an earlier examination of it occurred;

- (b) the person by whom the re-examination is made was already at the premises at which the re-examination occurs for the purpose of carrying out an examination on another vehicle; and
- (c) the re-examination relates only to one or more of the following requirements specified in Schedule 2:—
  - The Lighting Requirements;
  - The Stop Lamp Requirements;
  - The Direction Indicator Requirements;
  - The Windscreen Cleaning Requirements;
  - The Audible Warning Instrument Requirements;
  - The Class VI Vehicle Requirements in so far as they consist of the requirements specified in
    - (i) Regulations 18 and 98 (speedometers), 22 (view to the front), 23 and 24 (mirrors), and 97(1) in so far as it relates to the condition of the spare-wheel carrier and bumpers, of the Construction and Use Regulations.
    - (ii) Regulations 13, 23, and 24 (insofar as they relate to markings) 35 (fire extinguishing apparatus), 36 (first aid equipment) and 39 (insofar as it relates to the cleanliness of the interior of a vehicle) of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulation 1981.
    - (iii) Regulations 5, 6 and 7 of the Road Vehicles (Rear Fog Lamps) Regulations 1978(4); and
    - (iv) Regulations 26 to 29 (which deal with reversing lamps) of the Lighting Regulations.

### **Fees on appeals**

**21.**—(1) The fee payable on an appeal made in accordance with the provisions of Regulation 18 is the same amount as the fee payable under Regulation 20(1).

(2) Save as provided in paragraph (4), every fee prescribed by paragraph (1) as the fee payable on an appeal shall be paid at the same time as the appeal is made, and if that fee is not so paid the Secretary of State shall not be obliged to deal with the appeal.

(3) After the completion of the examination for the purposes of the appeal the Secretary of State may repay to the appellant, as he thinks fit, either the whole or a part of the fee paid on the appeal where it appears to him there are substantial grounds for contesting the whole or part of the decision appealed against.

(4) A fee payable on an appeal in accordance with the foregoing provisions of this Regulation shall be payable notwithstanding that the vehicle is not submitted for examination in accordance with the provisions of Regulation 18:

Provided that if the appellant has before the time fixed under Regulation 18 for the carrying out of the examination given the Secretary of State not less than two days' notice (whether in writing or otherwise) at the office of the traffic area at which his appeal was lodged or if he has been given such a notice as is specified in Regulation 18(2), at the address specified in that notice as the address to which any communication relating to the appeal is to be sent, that the appellant does not propose to submit the vehicle for examination at that time, the appeal shall be treated for the purposes of this Regulation as one in respect of which no fee is payable and any amount previously paid in respect of such a fee shall be repaid by the Secretary of State to the appellant unless another time is arranged for the carrying out of the examination.

## PART VI

### OTHER MATTERS

#### **Records to be kept and returns to be furnished by examiners and designated councils**

**22.**—(1) Examiners and designated councils shall make, in duplicate, at each of their respective vehicle testing stations a record relating to all examinations carried out at that station, and that record shall be on a form supplied by the Secretary of State and marked “VT. 12” and contain the particulars required by that form.

(2) On one of the first fourteen days of each month each authorised examiner and designated council shall send to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station at which the record is kept—

- (a) one copy of the record containing all the entries made therein relating to any examination as a result of which a test certificate or a notification of the refusal of a test certificate has been issued during the last preceding month, or
- (b) if no such certificate or notification has been issued, a notice to that effect.

(3) Subject to the following provisions of these Regulations, the other copy of the record shall be kept by the examiner or council at the station at which the examinations to which it relates are carried out for a period sufficient to ensure that upon the inspection at any time of that record under Regulation 24 the entries relating to any examination carried out within the last preceding eighteen months will be available for inspection.

(4) Subject to the following provisions of these Regulations, each examiner and designated council shall ensure that upon the issue by that examiner or an inspector appointed by that council of a test certificate or of a notice of the refusal of a test certificate, a copy of that certificate or notice, together with a copy of the inspection check list which accompanied the same, is made and preserved at that station for a period of not less than eighteen months.

#### **Duplicate test certificates**

**23.**—(1) Subject to paragraph (2), if a test certificate has been lost or defaced, an application for the issue of a duplicate of the original certificate may be made—

- (a) where the original certificate did not relate to a Class VI vehicle—
  - (i) in a case where the original certificate was issued not more than eighteen months previously by an authorised examiner at a vehicle testing station specified in an authorisation of that examiner which has not ceased to have effect, to that examiner at that station;
  - (ii) in a case where the original certificate was issued by an inspector appointed by a designated council whose designation has not been revoked, to that council;
  - (iii) in a case where the original certificate was issued by an inspector appointed by the Secretary of State, to the Secretary of State at the vehicle testing station where the examination which resulted in the issue of the certificate was carried out;
  - (iv) in any other case, to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station or other place at which the certificate was issued;
- (b) where the original certificate related to a Class VI vehicle, to the Secretary of State at the Goods Vehicle Centre (PSV Section), Welcombe House, 91-92 The Strand, Swansea, SA1 2DH.

(2) The examiner, council or Secretary of State to whom an application is made under paragraph (1) shall search the copies of test certificates and other records in their possession and upon

tracing sufficient particulars of the certificate to which the application relates to enable a duplicate to be issued and on being paid a fee of £1.50 in the case of a Class VI vehicle; and in any other case £1 shall issue a duplicate marked “Duplicate” and the duplicate so issued shall have the same effect as the original test certificate:

Provided that no such search need to be made if the original certificate was issued more than 18 months previously or if the applicant does not furnish with his application either the serial number of the original certificate or the approximate date of its issue, together with particulars of the registration mark of the vehicle to which the certificate relates and (in the case specified in paragraph (1)(d)) also either the address or the identification number of the vehicle testing station at which the original certificate was issued.

### **Inspection of premises, apparatus and records**

**24.** A Ministry Inspector may at any time, during the normal working week on production if so required of his authority, enter any vehicle testing station of an examiner or council and upon such entry he shall be entitled to—

- (a) inspect the station and the apparatus provided at the station for the purpose of carrying out examinations and watch any examination which may be taking place including any part of the examination which is carried out on a road or elsewhere than at the station,
- (b) satisfy himself as to the efficiency of such apparatus and, in the case of apparatus designed to give an indication of a measurement, to require evidence to be furnished to him that it will do so accurately within reasonable limits,
- (c) inspect all records and copies of test certificates, notifications of the refusal of test certificates and inspection check lists which are required to be kept or preserved at that station in accordance with Regulation 22, and
- (d) be furnished with such information as he may reasonably require with respect to any of the said matters.

### **Forms**

**25.—(1)** The Secretary of State may prepare and supply for use for the purposes of these Regulations any form which by these Regulations is required to be approved by him or which is required for use as a test certificate, a notice of the refusal of a test certificate, or an inspection check list or for the purposes of constituting the record required to be kept under Regulation 22, and may include on any such form such additional matter as he may consider to be of assistance to persons making use of these forms or to persons to whom such forms may be issued when completed and no form other than one so prepared and supplied shall be used in any such case.

(2) The Secretary of State may make a charge at the rate of £18 for the supply of 100 forms of test certificate supplied for use for the purposes of these Regulations.

### **Notices**

**26.** Except as otherwise provided in these Regulations, every notice under these Regulations shall be—

- (a) in writing, and
- (b) if given by the Secretary of State to an examiner by post, addressed to the examiner at the registered office of the examiner if the examiner is a company and at the place specified in the authorisation of the examiner as his principal place of business in any other case.

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### **Computation of time**

**27.** No period of time prescribed in these Regulations shall include any day which is a bank holiday under the Banking and Financial Dealings Act 1971.

25th November 1981

*David Howell*  
Secretary of State for Transport

## SCHEDULE 1

SIGN TO BE DISPLAYED BY AUTHORISED EXAMINERS (see Regulation 9)

### PART I

Diagram showing Size, Colour and Type of  
Sign to be Displayed by Authorised Examiners

All dimensions are in millimetres

### PART II

Conditions as to Erection of Sign shown in Part I of this Schedule

1. The sign shall be securely fixed against a wall of the vehicle testing station.
2. The sign shall be so exhibited that no part thereof is above the fascia level of the vehicle testing station or above fifteen feet from the ground, whichever is the lower.
3. Not more than one sign shall be displayed on each road frontage.

## SCHEDULE 2

THE PRESCRIBED STATUTORY REQUIREMENTS (see Regulation 4)

(1) Item No.	(2) <i>The Prescribed Statutory Requirements</i>	
	(a) <i>Title</i>	(b) <i>Requirements</i>
1.	The Lighting Requirements	The requirements specified in Regulations 41 and 105 of the Construction and Use Regulations (excepting the matters specified in Regulations 11, 12, 24, 25, 31, 32, 33, 34 and 35 of the Lighting Regulations).
2.	The Stop Lamp Requirements	The requirements specified in Regulations 72, 73, 74 and 75 of, and Schedule 6 to, the Lighting Regulations, and the requirements, in so far as they relate to stop lamps, specified in Regulation 76 of those Regulations (except the requirements contained in paragraphs 2 and 3 and in subparagraphs (b)(iii) and (c) of paragraph 6 of Part II and in Part III of the said Schedule 6).
3.	The Direction Indicator Requirements	The requirements specified in Regulation 69, 70 and 71 of the Lighting Regulations, and the requirements, so far as they relate to direction indicators, specified in Regulation 76 of those Regulations, and the requirements, so far as they

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(1) Item No.	(2) <i>The Prescribed Statutory Requirements</i>	
	(a) <i>Title</i>	(b) <i>Requirements</i>
		relate to illumination, rates of flashing, shape, colour and visibility, specified in Schedule 5 to those Regulations.
4.	The Braking Requirements	The requirements specified in Regulations 13, 14, 14A, 59, 64, 67, 101 and 101A of the Construction and Use Regulations.
5.	The Steering Requirements	The requirements specified in Regulation 102 of the Construction and Use Regulations.
6.	The Tyre Requirements	The requirements specified in Regulations 60, 65, 68, 107 and 108 of the Construction and Use Regulations and of Regulation 97(1) (in so far as it relates to the condition of the road wheels, to the extent that such condition is likely to lead to a rapid deflation of the tyres of such wheels) of those Regulations.
7.	The Seat Belt and Anchorage Requirements	The requirements specified in Regulations 17 and 102A of the Construction and Use Regulations.
8.	The Windscreen Cleaning Requirements	The requirements specified in Regulations 27, 28 and 103 of the Construction and Use Regulations.
9.	The Exhaust Requirements	The requirements specified in Regulations 30, and 106 of the Construction and Use Regulations, and Regulation 97(1) (so far as it relates to the condition of the piping, attachment brackets and mounting of the exhaust system) of those Regulations.
10.	The Audible Warning Instrument Requirements	The requirements specified in Regulation 29 of the Construction and Use Regulations.
11.	The Bodywork and Suspension Requirements	The requirements specified in Regulation 12 of the Construction and Use Regulations, and Regulation 97(1) (in so far as it relates to the condition of the body and its structure, the chassis frame and any subframe or any mounting or connection or part of the suspension, to the extent that such condition may prejudice the steering, braking or seat belt mountings of the vehicle) of those Regulations.
12.	The Class VI Vehicle Requirements	(a) The requirements specified in the following Regulations of the Construction and Use Regulations:— 18 and 98 (speedometers) 19 and 104 (petrol tank) 22 (view to the front) 23 and 24 (mirrors) 25 and 26 (safety glass) 32 (radio interference suppression) 33 (emission of smoke or vapour) 39 and 113 (Closets, urinals, lavatory basins and sinks)



(1)	(2)
Item No.	<i>The Prescribed Statutory Requirements</i>
(a) <i>Title</i>	(b) <i>Requirements</i>
	<p>97(1) (Maintenance so as not to be a danger, etc) in so far as it relates to the condition of spare-wheel carrier, means of coupling trailers, chassis, wiring, engine mounting, fuel pipes, transmission, battery, shock absorbers, bumpers, wings and wheel arches, cab, cab steps or ring, driver's seat, and driving controls</p> <p>109 (emission of smoke etc)</p> <p>100 (maintenance of glass)</p> <p>111 (starting device)</p> <p>143 (television sets);</p> <p>(b) The requirements specified in the following Regulations of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981—</p> <p>7 (suspension)</p> <p>8 (guard rails)</p> <p>9 (brakes)</p> <p>10 (brake and steering connections)</p> <p>11 (locking of nuts)</p> <p>12 (steering)</p> <p>13 (fuel tanks carburettors etc)</p> <p>14 (exhaust pipe)</p> <p>15 (luggage racks)</p> <p>16 (artificial lighting)</p> <p>17 (electrical equipment)</p> <p>18 (body)</p> <p>20 (steps, platforms and stairs)</p> <p>21 (number, position and size of entrances and exits)</p> <p>22 (width of exits and entrances)</p> <p>23 (doors)</p> <p>24 (marking, positioning and operation of emergency exits)</p> <p>25 (access to exits)</p> <p>28 (seats);</p> <p>29 (passenger protection)</p> <p>30 (ventilation)</p> <p>31 (driver's accommodation)</p> <p>32 (windcreens)</p> <p>33 (passengers' communication with driver)</p> <p>34 (general construction)</p> <p>35 (fire extinguishing apparatus)</p> <p>36 (first aid equipment)</p> <p>38 (obstruction of driver)</p> <p>39 (body maintenance)</p> <p>44 (carriage of inflammable or dangerous substances).</p>

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(1) Item No.	(2) <i>The Prescribed Statutory Requirements</i>
(a) <i>Title</i>	(b) <i>Requirements</i>
	<p>(c) The requirements specified in Regulations 5, 6 and 7 of The Road Vehicles (Rear Fog Lamps) Regulations 1978<sup>(5)</sup>;</p> <p>(d) The requirements, in so far as they relate to the installation of recording equipment in Article 3, and the seals to be affixed to such equipment in Article 15 and paragraph 4 of section V of Annex I, of the Community Recording Equipment Regulation (as defined in section 82 of the 1972 Act);</p> <p>(e) The requirements specified in Regulations 26 to 29 (which deal with reversing lamps) of the Lighting Regulations.</p>

### SCHEDULE 3

#### THE MANNER AND CONDITIONS OF CARRYING OUT EXAMINATIONS, AND THE APPARATUS TO BE USED (see Regulation 4(4))

### PART I

#### The Lighting Requirements

1. The vehicle shall be examined to ascertain whether—
  - (a) it is equipped with lamps and reflectors which comply with the lighting requirements as respect their number, their operation and the position in which they are attached to the vehicle, and
  - (b) the said lamps are clean and efficient and the said reflectors are unobscured and efficient, and
  - (c) the vehicle is so equipped that the said lamps can be used to show a white light to the front visible from a reasonable distance or a red light to the rear so visible, so as to comply with the lighting requirements.

2.—(1) Where the vehicle is one which the lighting requirements require to be equipped with a headlamp, the vehicle and each of the headlamps with which it is fitted shall be examined in order to determine whether, if that lamp were to be used to show a light to the front while the vehicle was driven on a road during the hours of darkness, the beam of light emitted therefrom—

- (a) is or can be so deflected that it is incapable of causing such dazzle as is mentioned in Regulation 9(2) of the Lighting Regulations, or
- (b) can be extinguished by the operation of a device which at the same time causes—

<sup>(5)</sup> As amended by S.I. 1979/1145.

- (i) a beam of light to be emitted from that lamp, or
  - (ii) deflects the beam of light from another lamp, or
  - (iii) brings into operation another lamp which emits a beam of light,
- in such manner that in no case is the beam of light so emitted or deflected capable of causing such dazzle as aforesaid.
- (2) For the purpose of the examination of a headlamp in accordance with sub-paragraph (1) the direction of the beam of light which would be emitted from that lamp if it were to be used to show a light to the front in the circumstances specified in sub-paragraph (2) shall be tested either—
- (a) in the case of a vehicle in any Class by causing the lamp to show a light and ascertaining what the direction is in relation to the vehicle of the beam of light emitted therefrom by the use of apparatus designed and constructed for the purpose of ascertaining within reasonable limits of precision the direction of the beam of light emitted from such a lamp; or
  - (b) in the case of vehicle in Class I or II, by placing the vehicle on level or uniformly sloping ground, causing the head lamp to show a light so that the beam of light emitted therefrom is thrown on a screen or wall, and ascertaining what the direction of that beam of light is in relation to the vehicle.

## PART II

### The Stop Lamp Requirements

3. The vehicle shall be examined to ascertain whether—
- (a) it is equipped with stop lamps which comply with the stop lamp requirements as respects their number, their operation and the position in which they are attached to the vehicle, and
  - (b) the said lamps are clean and efficient, and
  - (c) the vehicle is so equipped that the said lamps show a steady red light when the brakes which operate the said lamps are applied, and, where more than one such lamp is fitted, that the light emitted by at least two of the said lamps is emitted at the same time.

## PART III

### The Direction Indicator Requirements

4. The vehicle shall be examined to ascertain whether its direction indicators comply with the direction indicator requirements and in particular to ascertain whether—
- (a) it is equipped with direction indicators which comply with the direction indicator requirements as respects their number, type and the position in which they are attached to the vehicle, and
  - (b) the said indicators are clean and efficient, and
  - (c) the colour of each of the said indicators—
    - (i) if it shows to both front and rear, is amber;
    - (ii) if it shows only to the front, is amber or white; and,
    - (iii) if it shows only to the rear, is amber or red, and
  - (d) each of the said indicators is visible from a reasonable distance, and

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- (e) where the vehicle is fitted with electric lighting equipment, each of the said indicators shows a steady or flashing light, and
- (f) where the said indicators are equipped to show a flashing light, the rate of such flashing is not less than 60 nor more than 120 flashes per minute, and
- (g) the vehicle is so equipped that the driver when in his seat is readily aware that a direction indicator is in operation.

## PART IV

### The Braking Requirements

6. The vehicle shall be examined to ascertain whether it is equipped with such a braking system or systems that the braking requirements are complied with, and in particular to ascertain whether—

- (a) the braking systems are in good mechanical condition and are free from evident defects;
- (b) the braking systems are properly adjusted and operate as intended by their design;
- (c) there is any such lack of balance in the application of the brakes to the wheels as to cause, or be likely to cause, serious deviation of the vehicle from its course when being driven on a road; and
- (d) there is any other evident defect in the vehicle or its equipment by reason of which the braking requirements are not complied with.

7.—(1) Subject to Regulation 16 the examination of the braking system or systems of the vehicle shall include a test of the braking efficiency of its brakes to ascertain whether they have the braking efficiency required by the braking requirements (hereafter referred to as “the requisite braking efficiency”).

(2) If the vehicle is a vehicle in Class I or II the said test shall be carried out in such one or more of the following ways as the examiner may think fit—

- (a) by using suitable apparatus to measure the force required to pull the vehicle along the ground while a person seated in its saddle is applying the brakes and determining by reference to that force when expressed as a percentage of the weight of the vehicle and its rider and any load carried thereon at the time whether the brakes have the requisite braking efficiency;
- (b) by the vehicle being placed with a person seated in its saddle on a sloping platform and determining by reference to the steepness of the slope of the platform at which the brakes of the vehicle when applied by that person will hold the vehicle and its rider on the platform whether the brakes have the requisite braking efficiency;
- (c) by using such a brake testing apparatus as may be suitable in relation to the vehicle to measure the braking force which is developed when the brakes of the vehicle are applied and determining by reference to that force when expressed as a percentage of the weight of the vehicle, including any person or load carried thereon at the time, whether the brakes have the requisite braking efficiency.

(3) If the vehicle is a vehicle in Class III, IV, V or VI the test of the braking efficiency of its brakes shall be carried out—

- (a) if the vehicle testing station is equipped with brake testing apparatus suitable in relation to the vehicle, by placing the vehicle on such apparatus and using it to measure the braking force developed when the brakes are applied and determining by reference to that force when expressed as a percentage of the weight of the vehicle (including any person or load carried in the vehicle at the time) whether the brakes have the requisite braking efficiency;

- (b) if the vehicle testing station is not so equipped, by applying the brakes while the vehicle is being driven on a road or other suitable place and by using a suitable decelerometer to measure the braking efficiency of those brakes when they are applied and determining by reference to that braking efficiency whether the brakes have the requisite braking efficiency.
- (4) Subject to Regulation 16 a test of the brakes of a vehicle carried out in accordance with any of the foregoing provisions of this paragraph may, if the examiner thinks fit, be supplemented by a further test by the vehicle being driven on a road or any other suitable place and by its brakes being applied while it is being so driven for the purpose of determining by observation of the effects of such application whether any one or more of the braking requirements are complied with.
- (5) In this paragraph—
- (a) references to the brakes of a vehicle being applied are references to its brakes being applied by the means of operation provided for that purpose and, where a vehicle has more than one means of operation, are references to its brakes being applied by each of those means of operation being used separately to apply the brakes;
  - (b) “brake testing apparatus” means apparatus designed and constructed to measure the braking force developed when the brakes of a motor vehicle are applied; and
  - (c) “decelerometer” means an apparatus designed and constructed to measure the braking efficiency of the brakes of a motor vehicle when those brakes are applied while the vehicle is being driven.

## PART V

### The Steering Requirements

8. The vehicle shall be examined to ascertain whether its steering gear complies with the steering requirements and in particular to ascertain whether—
- (a) the steering gear is in good mechanical condition and free from evident defects;
  - (b) the steering gear is properly adjusted and operates as intended by its design;
  - (c) the front road wheel bearings are in good mechanical condition and are properly adjusted;
  - (d) in the case of a vehicle in Class I or II, the wheels and the sidecar (if fitted) are properly aligned; and
  - (e) there is any other evident defect in the vehicle or its equipment by reason of which the steering requirements are not complied with.

## PART VI

### The Tyre Requirements

9. The vehicle shall be examined to ascertain whether its tyres comply with the tyre requirements and in particular to ascertain whether—
- (a) except in the case of a heavy motor car, any tyre is a recut pneumatic tyre;
  - (b) any tyre is unsuitable having regard to the types of tyres fitted to its other wheels;
  - (c) any tyre has a break in its fabric, or has a cut in excess of 25 millimetres or 10 per cent of the section width of the tyre, whichever is the greater, measured in any direction on the outside of the tyre and deep enough to reach the body cords;

- (d) any tyre has any lump or bulge (caused by separation or partial failure of its structure) or any exposure of the ply or cord structure;
- (e) in the case of a motor cycle whereof the cylinder capacity of the engine does not exceed 50 cubic centimetres, the tread of each tyre shows throughout at least three quarters of the breadth of the tread and round the entire outer circumstances of the tyre a pattern the relief of which is clearly visible, and in the case of any other vehicle the tread pattern (excluding any tie bar) of each tyre has a depth of at least 1 millimetre throughout at least three quarters of the breadth of the tread and round the entire outer circumference of the tyre;
- (f) there is any other defect in any tyre or any defect in any roadwheel by reason of which the tyre requirements are not complied with.

## PART VII

### The Seat Belt and Anchorages Requirements

**10.** The vehicle shall be examined to ascertain whether it is provided with anchorage points and seat belts which comply with the seat belt requirements and in particular to ascertain whether—

- (a) the seat belts are in good and efficient condition, and
- (b) the said seat belts are securely attached to the seat for which they are provided or to the structure of the vehicle, and
- (c) all load-bearing members of the vehicle structure or panelling within thirty centimetres of an anchorage point are in a sound condition.

## PART VIII

### The Windscreen Cleaning Requirements

**11.** The vehicle shall be examined to ascertain whether it is so equipped that the windscreen cleaning requirements are complied with and in particular to ascertain whether—

- (a) the windscreen wiper or wipers which are required to be fitted are in a good and efficient condition and capable of clearing the windscreen so that the driver has an adequate view of the road in front of the near and off sides of the vehicle in addition to an adequate view to the front of the vehicle, and
- (b) in relation to the said windscreen wiper or wipers, the vehicle is equipped with a windscreen washer or washers in a good and efficient condition and capable of clearing, in conjunction with the windscreen wiper or wipers, the area of windscreen swept by the said wiper or wipers.

## PART IX

### The Exhaust Requirements

**12.** The vehicle shall be examined to ascertain whether its exhaust system complies with the exhaust requirements and in particular to ascertain whether—

- (a) where the vehicle is propelled by means of an internal combustion engine, it is equipped with a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine, and

- (b) all parts of the exhaust system with which the vehicle is equipped as aforesaid are in a good and efficient condition.

## PART X

### The Audible Warning Instrument Requirements

**13.** The vehicle shall be examined so as to ascertain whether it complies with the audible warning instrument requirements.

## PART XI

### The Body-work and Suspension Requirements

**15.—(1)** The vehicle shall be examined to ascertain whether any part of its bodywork or suspension is so affected by rust, or has otherwise been so damaged, that the proper functioning of the braking system or steering gear of the vehicle is likely to be prejudicially affected by reason thereof. That examination shall be a visual examination of the vehicle and in particular of its underside, but such examination shall not entail any dismantling of the vehicle or of any part of it.

## PART XII

### The Class VI Vehicle Requirements

A Class VI vehicle shall be examined to ascertain whether the Class VI vehicle requirements are complied with.

## SCHEDULE 4

### REGULATIONS REVOKED BY REGULATION 2

<i>Title</i>	<i>Year and Number</i>
The Motor Vehicles (Tests) Regulations 1976	S.I. 1976/1977
The Motor Vehicles (Tests) (Amendment) Regulations 1976	S.I. 1976/2155
The Motor Vehicles (Tests) (Amendment) Regulations 1978	S.I. 1978/1574
The Motor Vehicles (Tests) (Amendment) Regulations 1979	S.I. 1979/439
The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1979	S.I. 1979/1215
The Motor Vehicles (Tests) (Amendment) Regulations 1980	S.I. 1980/616
The Motor Vehicles (Tests) (Amendment) Regulations 1981	S.I. 1981/951

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## EXPLANATORY NOTE

1. These Regulations re-enact, with revisions and extensions, the provisions of the Motor Vehicle (Tests) Regulations 1976. The 1976 regulations are repealed, together with the other amending regulations mentioned in Schedule 4 to these regulations.

2. The principal changes now made are—

- (a) The regulations apply to public service vehicles, most of which are classified as Class VI. An application for an examination of a Class VI vehicle is to be made to the Secretary of State at the Goods Vehicle Centre (PSV Section), Swansea, and the appropriate fee is to accompany the application. An application for a re-examination of a Class VI vehicle, following an examination at which it was found that some or all of the statutory requirements were not complied with, is to be made to the Secretary of State at a goods vehicle testing station or a traffic area office. The prescribed statutory requirements in relation to Class VI vehicles include a number of requirements not specified in relation to vehicles in other classes. These are set out in Schedule 2.
- (b) Vehicles in respect of which a test certificate issued in accordance with article 34 of the Road Traffic (Northern Ireland) Order 1981 is in force are exempted from Section 44 of the 1972 Act.
- (c) The vehicle registration book must be produced, if the examiner so requests, when a vehicle is submitted for examination; if no such document has been issued in respect of the vehicle, other evidence must be produced of the date of manufacture or first use and the chassis or identification number.
- (d) Any signature on a test certificate, or notice of refusal of a test certificate, signed on behalf of an authorised examiner or designated council, shall be accompanied by an embossment by a stamp of the examiner or council on whose behalf the certificate or notice is signed.
- (e) After an examination of a Class III, IV, V or VI vehicle is completed, the examiner (or inspector appointed by a designated council or the Secretary of State) shall in all cases issue an inspection check list on a form approved by the Secretary of State, in addition to the test certificate, or notice of refusal of a test certificate.

3. The prescribed fees for testing are—

Motor cycle not having a side-car attached to it, £4.26 (unchanged);

Class VI vehicle constructed or adapted to carry more than 12 passengers, £29;

Class VI vehicle not constructed or adapted to carry more than 12 passengers, £20;

Any other vehicle, £7.10 (unchanged).

These fees are reduced in certain cases as provided in Regulation 20(3) for vehicles not in Class VI and in Regulation 20(4) for vehicles in Class VI. Regulation 21 prescribes fees on appeals.