

STATUTORY INSTRUMENTS

1981 No. 1694

The Motor Vehicles (Tests) Regulations 1981

**PART III
EXAMINATIONS**

<i>(1) Item No.</i>	<i>(2) Circumstances in which application is made</i>	<i>(3) Place to which application must be made</i>	<i>(4) Manner in which appointment must be made</i>
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 made more than 28 days previously.	The Goods Vehicle Centre (PSV Section) Welcombe House, 91-92 The Strand, Swansea, SA12 0H	By arrangement following application made in writing.
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</i> <i>No.</i>	<i>(2)</i> <i>Person or body to whom</i> <i>application must be made</i>	<i>(3)</i> <i>Manner in which</i> <i>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.