
STATUTORY INSTRUMENTS

1981 No. 1694

The Motor Vehicles (Tests) Regulations 1981

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.