
STATUTORY INSTRUMENTS

1981 No. 1694

The Motor Vehicles (Tests) Regulations 1981

PART III

EXAMINATIONS

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.