

1986 No. 2101

ROAD TRAFFIC

**The Road Vehicles (Registration and Licensing) (Amendment)
(No. 3) Regulations 1986**

<i>Made</i>	- - - - -	<i>3rd December 1986</i>
<i>Laid before Parliament</i>		<i>11th December 1986</i>
<i>Coming into Operation</i>		<i>1st January 1987</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 16(1), (2) and (8) of the Vehicles (Excise) Act 1971(a), and of all other enabling powers, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) (No. 3) Regulations 1986 and shall come into operation on 1st January 1987.

Amendment of Regulations

2. The Road Vehicles (Registration and Licensing) Regulations 1971(b) shall be further amended in accordance with these Regulations.

3. In regulation 3(1), after the definition of "tricycle" there shall be inserted the following:

"valeting" means the thorough cleaning of a vehicle prior to its first registration by the Secretary of State including removing wax and grease from the exterior, engine and interior, and "valeted" shall be construed accordingly;"

4. For regulation 28 there shall be substituted the following—

"28.—(1) For the purposes of section 16 of the Act the prescribed manner for—

(a) a motor trader to make an application to take out a licence under that section for all mechanically propelled vehicles which are from time to time temporarily in his possession in the course of his business as a motor trader and all recovery vehicles kept by him for the purpose of dealing with disabled vehicles in the course of that business;

(a) 1971 c. 10; subsections (1) and (8) of section 16 were amended by paragraph 4(2) and (8) respectively of Part I of Schedule 2 to the Finance Act 1986 (c. 41).

(b) S.I. 1971/450, to which there are amendments not relevant to these Regulations.

- (b) a vehicle tester to make an application to take out a licence under that section for all mechanically propelled vehicles which are from time to time submitted to him for testing in the course of his business as a vehicle tester; or
- (c) a motor trader, who is a manufacturer of mechanically propelled vehicles, to make an application to take out a licence under that section for all vehicles kept and used by him solely for purposes of conducting research and development in the course of his business as such a manufacturer, and all other vehicles which are from time to time submitted to him by other manufacturers for testing on roads in the course of that business,

shall be to furnish the prescribed particulars and to make the prescribed declaration to the Secretary of State.

(2) The references in paragraph (1) of this Regulation to a motor trader or vehicle tester include references to any person who satisfies the Secretary of State that he intends to commence business as respectively a motor trader or vehicle tester.”.

5. There shall be inserted after regulation 28 a new regulation as follows—

“Descriptions of businesses

28A. The prescribed descriptions of businesses for the purposes of the definition of a “motor trader” in section 16(8) of the Act are those of modifying vehicles (whether by fitting accessories or otherwise) prior to their first registration by the Secretary of State and of valeting vehicles.”.

6. In regulation 34, there shall be inserted after the words “by virtue of a trade licence” the following words—

“for a purpose prescribed in regulations 35 to 37 of these Regulations”.

7. In regulation 35—

- (a) in paragraph (1), the word “or” shall be deleted after sub-paragraph (a) and shall be inserted after sub-paragraph (b), and an additional sub-paragraph shall be added as follows—

“(c) a purpose connected with his business of modifying vehicles prior to their first registration by the Secretary of State or of valeting vehicles.”.

- (b) in paragraph (4)—

- (i) in sub-paragraph (a), there shall be inserted after the word “construction” the word “modification”;

- (ii) in sub-paragraph (h), there shall be inserted after the word “painted” the word “valeted”; and

- (iii) in sub-paragraph (l), the word “or” shall be deleted after sub-paragraph (ii) and inserted after sub-paragraph (iii), and an additional sub-paragraph shall be added as follows—

“(iv) for carrying in the vehicle or in the disabled vehicle which is being carried or towed persons who were in the disabled vehicle at the time it became disabled.”.

8. In regulation 38(1)(a), there shall be inserted after the word “accident” the following words—

“or when the load consists of water, fertiliser or refuse.”.

9. For regulation 40 there shall be substituted the following—

“**40.** No person, being the holder of a trade licence, shall use a mechanically propelled vehicle on a public road by virtue of that licence for carrying any person on the vehicle or on any trailer drawn by it except a person carried in connection with a purpose for which the holder of the trade licence may use the vehicle on the public road by virtue of that licence.”.

John Moore,
Secretary of State for Transport.

3rd December 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations further amend the Road Vehicles (Registration and Licensing) Regulations 1971 (“the principal Regulations”). The amendments relate to trade licences.

2. Regulation 28 of the principal Regulations, which relates to applications for licences, is extended to cover a manufacturer who wishes to take out a licence for vehicles submitted to him by other manufacturers for road testing, and also to include persons who intend to commence business as motor traders or vehicle testers (regulation 4).

3. The definition of a “motor trader” is extended to include any person carrying on the business of modifying or valeting new vehicles (regulation 5). There are consequential additions to the purposes for which a vehicle may be used by virtue of a trade licence (regulation 7, amending regulation 35 of the principal Regulations). In addition regulation 7(b)(iv) extends the purposes for which a recovery vehicle may be used to include the carriage of persons in specified circumstances.

4. Regulation 34 of the principal Regulations is amended to restrict the exemption relating to a vehicle being driven by a person other than the holder of the licence to the case where the use is for a purpose prescribed in the principal Regulations (regulation 6).

5. Regulation 38 of the principal Regulations, relating to the carriage of goods, is amended to provide that in the circumstances specified a load of water, fertiliser or refuse need not be returned to the place of loading (regulation 8).

6. Regulation 40 of the principal Regulations, which relates to the carriage of passengers, is replaced by a new regulation (regulation 9). In place of a list of circumstances when passengers may be carried, the regulation now requires a person to be carried only in connection with a purpose for which the vehicle may be used by virtue of the trade licence.

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