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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Motor Vehicles (Tests) Regulations 1981 (“the 1981 Regulations”). Those Regulations make provision for certain motor vehicles to be examined by persons authorised by the Secretary of State and for test certificates to be issued for vehicles that are found to meet certain requirements. These certificates are commonly referred to as “MOT Certificates”.

*Regulation 2(2)* amends the procedures for the re-examination of vehicles other than those in Class VI or VIA which have failed the MOT test by substituting a new paragraph (3) and inserting a new paragraph (3ZA) into regulation 20. The current position, where a vehicle has failed its MOT test, is that the re-examination of that vehicle can be undertaken without a charge being made if:

- (a) it remains at the vehicle testing station at which it failed its MOT test, to be repaired; or
- (b) it is brought back to the same vehicle testing station and re-examined before the end of the next working day on the items specified in regulation 20(3A)(b).

The amendments made by new paragraph (3), in respect of the position at point (a), will still allow a re-examination to be carried out without charge where the vehicle remains at the vehicle testing station but now the re-examination will need to be carried out before the expiration of 10 working days starting from the day after the day of the original examination. It is also subject to there having been no change to the authorised examiner at the vehicle testing station between the original examination and the re-examination. The position at point (b) will remain unchanged and vehicles brought back for re-examination on one of the items listed in regulation 20(3A)(b) by the end of the next working day will continue to be examined free of charge. But the position is now subject to the requirement that there has been no change in the authorised examiner at the vehicle testing station between the original examination and the re-examination (*regulation 2(4)*).

New paragraph (3ZA) additionally provides for vehicles that do not fall within new paragraph (3) or paragraph (3A). If these vehicles are returned to the same testing station before the expiration of 10 working days starting from the day after the day of the original examination the chargeable fee will be a maximum of one-half of the full fee.

In all other cases, the full fee is payable.

*Regulation 2(3)* removes the reference to Class IVA and VA vehicles from the exclusion to the re-examination provisions of regulation 20(3A). These classes of vehicle had benefited from the re-examination provisions by virtue of the previous paragraph (3C). The substitution of new paragraph (3C) required the exclusion to be amended so as to allow these classes of vehicles to continue to benefit from the re-examination provisions.

*Regulation 2(5)* deletes two items from, and makes a minor amendment to an item on, the list of items set out in regulation 20(3A)(b).

*Regulation 2(6)* substitutes a new paragraph (3B) and (3C) into regulation 20. The main change being made by new paragraph (3B) is that the Class IVA and VA vehicles will only benefit from the fees for the re-examination being calculated on the basis of the Class IV and V vehicle fees if there has been no change to the authorised examiner at the vehicle testing station between the original examination and the re-examination.

New paragraph (3C) permits those requiring an examination of Class IVA and VA vehicles examined in the circumstances outlined in new paragraph (3ZA) to be charged a maximum of one-half of the fee chargeable for a Class IV or V vehicle.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Department for Transport, 5th floor, Southside, 105 Victoria Street, London SW1E 6DT (telephone number: 020 7944 2455). A copy has been placed in the library of each House of Parliament. The regulatory impact assessment may also be accessed on the HMSO website [www.opsi.gov.uk](http://www.opsi.gov.uk).