

2006 No. 1998

ROAD TRAFFIC

The Motor Vehicles (Tests) (Amendment) Regulations 2006

<i>Made</i>	- - - -	<i>20th July 2006</i>
<i>Laid before Parliament</i>		<i>25th July 2006</i>
<i>Coming into force</i>	- -	<i>8th September 2006</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 45 and 46 of the Road Traffic Act 1988(a) and by virtue of the Department of Transport (Fees) Order 1988(b).

In accordance with section 195(2) of that Act, he has consulted representatives of those whom he considers to be likely to be affected by the Regulations.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) Regulations 2006 and shall come into force on 8th September 2006.

Amendments to regulation 20 (fees for examinations)

2.—(1) Regulation 20 of the Motor Vehicles (Tests) Regulations 1981(c) shall be amended as follows.

(2) For paragraph (3), there shall be substituted—

“(3) Where, on an examination of a vehicle other than a vehicle in Class VI or VIA, it is found that some or all of the prescribed statutory requirements are not complied with or where, in the circumstances mentioned in regulation 16, a full examination of the braking system or systems of the vehicle is not carried out then—

- (a) if the vehicle is left at the vehicle testing station at which the examination took place so that the defects which have been revealed can be repaired, no fee shall be payable in respect of a re-examination carried out there on the completion of those repairs, provided that the re-examination is carried out before the expiration of a period of 10 days starting on the day after the day of the initial examination; and
- (b) if there has been no change to the authorised examiner at the vehicle testing station between those examinations.

(a) 1988 c.52; section 45 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 52 and by the Road Traffic (Vehicle Testing) Act 1999 (c. 12), section 1; section 46 was substituted by the Road Traffic (Vehicle Testing) Act 1999, section 2.

(b) S.I. 1988/643, which was made under the Finance (No. 2) Act 1987 (c. 51), section 102. The relevant amending instrument is S.I. 2003/1094 and the relevant entry in S.I. 1988/643 is Schedule 1, Table III, item 1.

(c) S.I. 1981/1694; relevant amending instruments are S.I. 1991/1525, 1992/3160, 1995/2438, 1998/1672, 2001/3330 and 2003/1113.

(3ZA) Where, on an examination of a vehicle other than a vehicle in Class VI or VIA, it is found that some or all of the prescribed statutory requirements are not complied with or where, in the circumstances mentioned in regulation 16, a full examination of the braking system or systems of the vehicle is not carried out then—

- (a) if the vehicle is returned to the vehicle testing station at which the examination took place and a re-examination is carried out before the expiration of a period of 10 days starting on the day after the day of the initial examination, the fee payable shall be a maximum of one-half of the fee otherwise chargeable; and
- (b) if there has been no change to the authorised examiner at the vehicle testing station between those examinations.”.

(3) In paragraph (3A), the words “IVA, VA,” shall be omitted.

(4) At the end of paragraph (3A)(a), there shall be added “, provided that there has been no change to the authorised examiner at the vehicle testing station between those examinations”.

(5) In paragraph (3A)(b)—

- (a) the words “anti-lock braking system warning device” and “emissions” shall be omitted; and
- (b) for “lamps;” there shall be substituted “lamps (other than headlamp aim);”.

(6) For paragraphs (3B) and (3C), there shall be substituted—

“(3B) Subject to paragraph (3C), where, on an examination of a vehicle in Class IVA or VA, it is found that some or all of the prescribed statutory requirements, other than those referred to in item 28A in paragraph 3A of Schedule 2, are not complied with, then provided that—

- (a) the vehicle is re-examined at the same testing station where it failed the examination; and
- (b) there has been no change to the authorised examiner at the vehicle testing station since that examination,

the fee payable for the re-examination shall be calculated as if the vehicle was in Class IV or V respectively.

(3C) Where, on the re-examination of a vehicle in Class IVA or VA, it is found that some or all of the prescribed statutory requirements, other than those referred to in item 28A in paragraph 3A of Schedule 2, are not complied with, if the vehicle is re-examined in the circumstances referred to in paragraph (3ZA), the fee payable for the re-examination shall be a maximum of one-half of the fee chargeable for a Class IV or V vehicle respectively.”.

Signed by authority of the Secretary of State

20th July 2006

S.J. Ladyman
Minister of State
Department for Transport

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.

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.

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