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## STATUTORY INSTRUMENTS

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# 1981 No. 1694

## The Motor Vehicles (Tests) Regulations 1981

### PART II

#### AUTHORISED EXAMINERS

##### Applications for authorisations

- 7.—(1) Applications for authorizations may be made by—
- (a) an individual proposing to carry out examinations otherwise than on behalf of any other person;
  - (b) persons in partnership; or
  - (c) a company.
- (2) Every application shall be made—
- (a) on a form approved by the Secretary of State and signed, where the application is made under paragraph (1)(a), by the individual making the application and, where the application is made under paragraph (1)(b) or (c) by a person duly authorized by the firm or company; and
  - (b) by sending the said form to the Secretary of State at the office of the traffic area in which is situated the place at which the applicant proposes to carry out examinations.
- (3) In a case where the applicant proposes to carry out examinations at more than one place the Secretary of State may require as many applications to be made as there are such places.

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##### Commencement Information

**II** Reg. 7 in force at 31.12.1981, see reg. 1

##### Authorisations

8.—(1) When an application has been made in accordance with Regulation 7 the Secretary of State may, after making such investigations and carrying out such inspections as he may think fit, authorise the individual, persons in partnership or company by whom the application is made to be an examiner for the purpose of carrying out examinations of any class or classes of motor vehicles.

(2) The Secretary of State may at any time, if he so thinks fit, authorise in writing any person to carry out examinations notwithstanding that the requirements of Regulation 7 have not been complied with.

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##### Commencement Information

**I2** Reg. 8 in force at 31.12.1981, see reg. 1

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### Conditions to be complied with by authorised examiners

9.—(1) Subject to the provisions of these Regulations, every examiner shall comply with such conditions, if any, as may be specified in the authorisation of that examiner and also with the following conditions—

- (a) the examiner shall carry out in accordance with these Regulations examinations of motor vehicles of any such class as is specified in the authorisation of the examiner and shall in all other respects comply with such of the provisions of these Regulations as apply to the examiner;
- (b) the examiner shall arrange for examinations to be carried out or to be personally supervised, and for test certificates to be signed, by persons who—
  - (i) are competent to act for such a purpose; and
  - (ii) if they are not the examiner or, where the examiner is persons in partnership one of those persons, carry out the examination in a manner which is under the direct control of the examiner:

Provided that no person shall be first authorised to carry out or supervise an examination or sign a test certificate after 1st January 1977 unless he has successfully completed a course of instruction approved for the purpose by the Secretary of State;

- (c) the examiner shall give notice to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station of that examiner of the names of all persons who are from time to time authorised in pursuance of arrangements made in accordance with sub-paragraph (b) above to carry out or personally supervise examinations at that station and in either case to sign test certificates; and every such notice shall be given within seven days after the date of any such authorisation;
- (d) the examiner shall put up and keep exhibited inside the vehicle testing station of that examiner in some conspicuous place so as to be legible to persons submitting vehicles for examination at that station—
  - (i) the authorisation in which that vehicle testing station is specified, and
  - (ii) a list of the names of the persons for the time being authorised to carry out or personally supervise examinations at that station and in either case to sign test certificates;
- (e) the examiner shall put up and keep exhibited outside the vehicle testing station of that examiner in a conspicuous place a sign of the size, colour and type shown in the diagram set out in Part I of Schedule 1 and complying with the conditions specified in Part II of Schedule 1;
- (f) the examiner shall, after not less than three clear days' notice given to that examiner by the Secretary of State, make the vehicle testing station of that examiner and the apparatus at that station with which examinations are carried out available for the purpose of an examination to be carried out by the Secretary of State as a result of an appeal which has been made against the refusal of a test certificate (whether by that or any other authorised examiner or by an inspector appointed by a designated council or the Secretary of State);
- (g) the examiner shall give notice to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station of the examiner—
  - (i) in a case where the examiner is the sole individual named in an authorisation, of his entering into any partnership with a view to carrying on a business which will comprise the carrying out of examinations at that station; and
  - (ii) in a case where the examiner is persons in partnership, of any change in the constitution of the firm,

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and such notice shall be given not later than seven days after the occurrence of the entry into partnership or the change in the constitution, as the case may be.

(2) The Secretary of State may give notice to an examiner that in the opinion of the Secretary of State any person should not carry out or supervise examinations, or sign test certificates, and on receipt of that notice the examiner shall arrange that that person shall no longer carry out or supervise examinations or sign test certificates, as the case may require.

#### **Commencement Information**

**I3** Reg. 9 in force at 31.12.1981, see reg. 1

#### **Termination of authorisations**

**10.**—(1) An authorisation of an individual as an examiner terminates if he—

- (a) dies; or
- (b) is adjudged bankrupt or, in Scotland, has his estate sequestrated; or
- (c) becomes a patient within the meaning of Part VIII of the Mental Health Act 1959 or, in Scotland, becomes incapable of managing his own affairs.

(2) An authorisation as an examiner of persons in partnership terminates if the firm is dissolved.

(3) An authorisation as an examiner of a company terminates if in relation to the company—

- (a) a winding-up order is made;
- (b) a resolution for voluntary winding-up is passed;
- (c) a receiver or manager of the body's undertaking is appointed; or
- (d) the taking of possession, by or on behalf of the holders of any debenture secured by a floating charge, or of any property of the body comprised in or subject to the charge, occurs.

(4) An examiner may at any time give notice to the Secretary of State stating that after such date as may be specified in the notice that examiner does not propose to continue to act as an examiner under any of the authorisations of that examiner or under such authorisation as may be specified in the notice, and any authorisation to which the said notice relates shall cease to have effect on the date so specified in relation to it.

(5) The Secretary of State may at any time give to an examiner a notice which states—

- (a) that as from a date specified in the notice such one or more of the authorisations of the examiner as are specified in the notice shall, unless the notice is cancelled before that date, cease;
- (b) in a case where the date on which the authorisation or authorisations shall cease is less than 28 days from the date of the notice, that the Secretary of State considers it necessary that the notice shall have early effect; and
- (c) that within 14 days from the date of the notice the examiner (or any person acting on his behalf) may make to the Secretary of State, at an address specified in the notice, written representations to the effect that any authorisation to which that notice relates should not cease or should be restored.

(6) An authorisation in respect of which a notice is given in accordance with paragraph (5) shall, save as provided in paragraph (5)(a), cease on the date specified in the notice as the date on which the authorisation shall cease.

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**Commencement Information**

**I4** Reg. 10 in force at 31.12.1981, see reg. 1

**Forms and documents to be returned to Secretary of State**

**11.**—(1) If an authorisation of an examiner or the designation of a Council ceases to have effect, the former examiner or, if appropriate, his authorised representative, or, as the case may be, the Council shall send to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station specified in the authorisation ceasing to have effect or the vehicle testing station of the council such of the following documents as are then in the possession of the examiner or the council—

- (a) all unused forms of test certificates, inspection check lists and notices of refusal to issue a test certificate;
- (b) all copies of test certificates and notices of the refusal of test certificates;
- (c) all other records kept in accordance with Regulation 22; and
- (d) in the case of the authorisation of an examiner ceasing to have effect, the document of authorisation:

Provided that where an authorisation of an examiner ceases to have effect but some other authorisation of that examiner continues in force the Secretary of State may consent to the retention by that examiner of all or any of the documents mentioned in sub-paragraphs (a) to (d) above.

(2) On receipt by the Secretary of State of any unused forms of test certificates sent to him in accordance with paragraph (1) he shall repay to the authorised examiner or the authorised representatives of that examiner, or to the council, as the case may be, such amount as may have been paid to the Secretary of State for the supply of the said forms.

(3) The Secretary of State may in respect of unissued forms of test certificates which are returned to him as having been cancelled because they have been spoilt or defaced make an appropriate refund to the examiner or designated council by whom the forms are so returned.

**Commencement Information**

**I5** Reg. 11 in force at 31.12.1981, see reg. 1

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