
STATUTORY INSTRUMENTS

1981 No. 1694

The Motor Vehicles (Tests) Regulations 1981

PART III **E+W+S**

EXAMINATIONS

^{F1}

F1 Pt. 3 Table omitted (31.10.1989) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No.2\) Regulations 1989 \(S.I. 1989/1694\)](#), regs. 1, **3(1)**

Applications for examinations **E+W+S**

12.—(1) An application for an examination of a vehicle in [^{F2}Class VI or VIA] under these Regulations shall be made to the Secretary of State [^{F3}and, subject to paragraph (1A) below, shall be in writing].

[^{F4}(1A) An application for a re-examination of a vehicle in [^{F5}Class VI or VIA] under these Regulations need not be in writing if the application is made before the expiration of 28 days after the last examination.]

(2) An application for an examination (including a re-examination) of a vehicle in a class other than [^{F6}Class VI or VIA] under these Regulations shall be made as indicated in the Table below:—

(1)	(2)	(3)
Item No.	Person or body to whom application must be made	Manner in which appointment must be made
1.	An [^{F7} authorised] examiner or a designated council.	By arrangement following application made in writing or, during the normal working week, by telephone to, or in person at (whether by submitting the vehicle or not), the vehicle testing station where the applicant desires the vehicle to be examined.
2.	The Secretary of State.	By arrangement following prior application.

(3) Subject to the following provisions of these Regulations, [^{F8}authorised] examiners and designated councils shall ensure that—

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- (a) where in accordance with the provisions of paragraph (2) an appointment is requested for the carrying out of an examination ^{F9}..., an appointment is forthwith offered for the carrying out of the examination at the earliest time at which it is reasonably practicable for the examination to be carried out during the normal working week;
- (b) where in accordance with the provisions of paragraph (2) a vehicle is submitted for examination ^{F10}... without any appointment for the carrying out of the examination having been previously made, the applicant is informed either that the examination can be carried out forthwith or, if not, of the earliest time at which it is reasonably practicable for the examination to be carried out during the normal working week;
- (c) except in so far as prevented by circumstances beyond the control of the examiner or council, examinations are carried out in accordance with the appointments made or the information given in pursuance of the preceding provisions of this paragraph or at such other times as may be arranged between the applicant and the examiner or council.

(4) On an appointment being made or a time being arranged for the carrying out of an examination in accordance with paragraph (3) the [^{F11}authorised] examiner or the designated council, as the case may be, shall record the hour and the date thereof and the name of the person by whom the application for the examination is made:

Provided that no such record needs to be made in a case where a vehicle is submitted for examination at a vehicle testing station of an [^{F11}authorised] examiner or designated council, without any appointment for the carrying out of the examination having been previously made, and the examination is carried out forthwith.

(5) [^{F12}Any authorised examiner, inspector, nominated tester or section 66A examiner]^{F13}... may carry out an examination of a motor vehicle in accordance with the provisions of these Regulations notwithstanding that the foregoing provisions of this Regulation have not been complied with ^{F14}....

(6) Nothing in this Regulation shall be taken as entitling an [^{F15}authorised examiner or a nominated tester] to carry out an examination of a vehicle not being of a type included in the authorisation of the examiner, or as imposing on a designated council or an inspector ^{F16}... any obligation with respect to the carrying out of an examination of a vehicle not being of a type which that council have for the time being notified to the Secretary of State as a type of vehicle which will be examined by [^{F17}their inspectors].

F2	Words in reg. 12(1) substituted (1.8.1998) by The Motor Vehicles (Tests) (Amendment) Regulations 1998 (S.I. 1998/1672) , regs. 1, 7
F3	Words in reg. 12(1) substituted (31.10.1989) by The Motor Vehicles (Tests) (Amendment) (No.2) Regulations 1989 (S.I. 1989/1694) , regs. 1, 3(2)(a)
F4	Reg. 12(1A) inserted (31.10.1989) by The Motor Vehicles (Tests) (Amendment) (No.2) Regulations 1989 (S.I. 1989/1694) , regs. 1, 3(2)(b)
F5	Words in reg. 12(1A) substituted (1.8.1998) by The Motor Vehicles (Tests) (Amendment) Regulations 1998 (S.I. 1998/1672) , regs. 1, 7
F6	Words in reg. 12(2) substituted (1.8.1998) by The Motor Vehicles (Tests) (Amendment) Regulations 1998 (S.I. 1998/1672) , regs. 1, 7
F7	Word in reg. 12(2) Table inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 6(a) (with reg. 1(3))
F8	Word in reg. 12(3) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 6(b)(i) (with reg. 1(3))
F9	Words in reg. 12(3)(a) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 6(b)(ii)(iii) (with reg. 1(3))
F10	Words in reg. 12(3)(b) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 6(b)(ii)(iii) (with reg. 1(3))

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- F11** Word in reg. 12(4) inserted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **6(c)** (with reg. 1(3))
- F12** Words in reg. 12(5) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **6(d)(i)** (with reg. 1(3))
- F13** Words in reg. 12(5) omitted (9.10.1995) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438), reg. 1, **Sch. para. 1**
- F14** Words in reg. 12(5) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **6(d)(ii)** (with reg. 1(3))
- F15** Words in reg. 12(6) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **6(e)(i)** (with reg. 1(3))
- F16** Words in reg. 12(6) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **6(e)(ii)** (with reg. 1(3))
- F17** Words in reg. 12(6) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **6(e)(iii)** (with reg. 1(3))

Commencement Information

- II** Reg. 12 in force at 31.12.1981, see reg. 1

Requirements as to vehicles submitted for examinations **E+W+S**

13.—^{F18}(1) ^{F19}An authorised examiner, a section 66A examiner, a nominated tester and an inspector^{F20}... shall not be under any obligation to carry out an examination of a motor vehicle where—

- (a) on the submission of a vehicle for an examination the applicant does not, after being requested to do so, produce the registration book issued under the Road Vehicles (Registration and Licencing) Regulations 1971 relating to the vehicle, or other evidence, acceptable to the examiner, inspector ^{F21}or nominated tester, as the case may be] or Secretary of State, of the date of the vehicle's first use or manufacture and the chassis or serial number given to the vehicle by its manufacturer and, if the manufacturer has also given the vehicle an identification number, that number also;
- (b) the vehicle or any part thereof or any of its equipment is so dirty as to make it unreasonably difficult for the examination to be carried out in accordance with the provisions of these Regulations;
- (c) the examiner or inspector ^{F22}or nominated tester, as the case may be] is not able with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out to complete the examination without the vehicle being driven and the vehicle is not when submitted for examination, either for want of fuel or oil or for any other reason, fit to be driven to such extent as may be necessary for the purposes of the carrying out of the examination;
- (d) before the carrying out of an examination of a motor vehicle any things which are on the vehicle, and are not part of its equipment or accessories, are required by the examiner or inspector ^{F23}or nominated tester, as the case may be] to be removed from the vehicle or to be secured in such manner as he may think necessary and the things are not removed or secured accordingly; ^{F24}...
- (e) in a case where the fee for the examination is payable in advance of the examination the examiner, or inspector ^{F25}or nominated tester, as the case may be], ^{F20}... is not satisfied that the fee payable for the examination has been paid as required by Regulation 20(2) (a) or (b)(i); ^{F26}...

^{F27}(f) in the case of a ^{F28}Class VI or VIA] vehicle—

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- (i) the vehicle is not submitted for examination at the time and date fixed for the examination; ^{F29} ...
- (ii) the driver of the vehicle is requested to remain in it or its vicinity throughout the examination, to drive it, to operate its controls, to remove or refit its panels or to open or close its doors and he declines to do so ^{F30}; or
- (iii) wheelchair restraining devices are not installed in the vehicle at the time it is submitted for examination]];
- ^{F31}(g) the vehicle emits substantial quantities of avoidable smoke;
- (h) a proper examination of the vehicle cannot readily be carried out as a consequence of any door, tailgate, boot lid, engine cover, fuel cap or other device designed to be capable of being readily opened, being locked or otherwise fixed so that it cannot be readily opened; ^{F32} ...
- (j) without prejudice to sub-paragraph (c), the condition of the vehicle is such that, in the opinion of the examiner or inspector [^{F33} or nominated tester, as the case may be], a proper examination of the vehicle would involve a danger of—
 - (i) injury to any person, or
 - (ii) damage to the vehicle or any other property]]^{F34, F35} ...
- (k) in the case of a vehicle propelled by a compression ignition engine, to which regulation 61(10BA) of the Construction and Use Regulations applies, the exhaust system has been so altered that the examiner or inspector [^{F36} or nominated tester, as the case may be] is not able, with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out, to determine whether Part II of Schedule 7B to those Regulations applies to the vehicle];
- ^{F37}(l) the vehicle—
 - (i) does not have a registration mark, vehicle identification number, chassis number or serial number; or
 - (ii) has one or more of those marks and numbers, but either none of them is legible or such one or more as is legible is in a script other than English.]

^{F38}(2)

F18	Reg. 13 renumbered as reg. 13(1) (9.10.1995) by The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438) , regs. 1, 5(1)
F19	Words in reg. 13(1) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 7(a) (with reg. 1(3))
F20	Words in reg. 13(1) omitted (9.10.1995) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438) , regs. 1, 5(1)(a)
F21	Words in reg. 13(1)(a) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 7(b) (with reg. 1(3))
F22	Words in reg. 13(1)(c) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 7(c) (with reg. 1(3))
F23	Words in reg. 13(1)(d) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 7(d) (with reg. 1(3))
F24	Word in reg. 13 omitted (1.11.1991) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 4) Regulations 1991 (S.I. 1991/2229) , regs. 1(1)(c), 4(a)
F25	Words in reg. 13(1)(e) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 7(e) (with reg. 1(3))

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- F26** Word in reg. 13(1) omitted (9.10.1995) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438), regs. 1, **5(1)(b)**
- F27** Reg. 13(f) added (1.11.1991) by The Motor Vehicles (Tests) (Amendment) (No. 4) Regulations 1991 (S.I. 1991/2229), regs. 1(1)(c), **4(c)**
- F28** Words in reg. 13(1)(f) substituted (1.8.1998) by The Motor Vehicles (Tests) (Amendment) Regulations 1998 (S.I. 1998/1672), regs. 1, **8**
- F29** Word in reg. 13(1)(f) revoked (1.11.2001) by The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 2001 (S.I. 2001/3330), regs. 1, **3(2)**
- F30** Reg. 13(1)(f)(iii) and word inserted (1.11.2001) by The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 2001 (S.I. 2001/3330), regs. 1, **3(3)**
- F31** Reg. 13(1)(g)-(j) inserted (9.10.1995) by The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438), regs. 1, **5(1)(b)**
- F32** Word in reg. 13(1) omitted (26.6.2000) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2000 (S.I. 2000/1432), regs. 1, **4(2)(a)**
- F33** Words in reg. 13(1)(j) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **7(f)(i)** (with reg. 1(3))
- F34** Reg. 13(1)(k) and word added (26.6.2000) by The Motor Vehicles (Tests) (Amendment) Regulations 2000 (S.I. 2000/1432), regs. 1, **4(2)(b)**
- F35** Word in reg. 13(1)(j)(ii) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **7(f)(ii)** (with reg. 1(3))
- F36** Words in reg. 13(1)(k) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **7(g)** (with reg. 1(3))
- F37** Reg. 13(1)(l) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **7(h)** (with reg. 1(3))
- F38** Reg. 13(2) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **7(i)** (with reg. 1(3))

Commencement Information

- I2** Reg. 13 in force at 31.12.1981, see reg. 1

Conditions as to responsibility for damage to vehicles and third party liabilities **E+W+S**

14.—(1) Where a motor vehicle has been submitted for an examination to be carried out by [^{F39}a person other than a section 66A examiner, the authorised examiner or] designated council ^{F40}... (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 [^{F41}the authorised examiner or designated council (as the case may be)]^{F40}..., 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.

[^{F42}(1A) Where a motor vehicle has been submitted for an examination to be carried out by a section 66A examiner, paragraph (1) shall apply in relation to the examination as if—

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- (a) for the reference to a person other than a section 66A examiner, there were substituted a reference to a section 66A examiner; and
 - (b) for references to an authorised examiner or designated council, there were substituted references to the Secretary of State.]
- (2) No person submitting a vehicle for an examination or having an interest in such a vehicle shall be requested or required by an [^{F43}authorised] 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 [^{F44}authorised] 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 [^{F44}authorised] 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 [^{F45}authorised] 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, ^{F46}...
 - (b) references to a period while a vehicle is in the custody of a designated council ^{F47}... include references to any period while a vehicle is, in connection with the carrying out of an examination [^{F48}, in the control or care of an inspector, and]
 - (c) references to a period while a vehicle is in the custody of the Secretary of State include references to any period while a vehicle is, in connection with the carrying out of an examination [^{F49}, in the control or care of a section 66A examiner].

- F39** Words in reg. 14(1) substituted (1.6.2003) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 2003 \(S.I. 2003/1113\)](#), regs. 1(1), **8(a)** (with reg. 1(3))
- F40** Words in reg. 14(1) omitted (9.10.1995) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 2\) Regulations 1995 \(S.I. 1995/2438\)](#), reg. 1, **Sch. para. 2(2)**
- F41** Words in reg. 14(1)(a) substituted (1.6.2003) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 2003 \(S.I. 2003/1113\)](#), regs. 1(1), **8(b)** (with reg. 1(3))
- F42** Reg. 14(1A) substituted (1.6.2003) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 2003 \(S.I. 2003/1113\)](#), regs. 1(1), **8(c)** (with reg. 1(3))
- F43** Word in reg. 14(2) inserted (1.6.2003) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 2003 \(S.I. 2003/1113\)](#), regs. 1(1), **8(d)** (with reg. 1(3))
- F44** Word in reg. 14(3) inserted (1.6.2003) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 2003 \(S.I. 2003/1113\)](#), regs. 1(1), **8(e)** (with reg. 1(3))
- F45** Word in reg. 14(4)(a) inserted (1.6.2003) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 2003 \(S.I. 2003/1113\)](#), regs. 1(1), **8(f)(i)** (with reg. 1(3))
- F46** Word in reg. 14(4) omitted (9.10.1995) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 2\) Regulations 1995 \(S.I. 1995/2438\)](#), reg. 1, **Sch. para. 2(4)(a)**

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- F47** Words in reg. 14(4)(b) omitted (9.10.1995) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438), reg. 1, **Sch. para. 2(4)(a)**
- F48** Words in reg. 14(4)(b) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **8(f)(ii)** (with reg. 1(3))
- F49** Words in reg. 14(4)(c) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **8(f)(iii)** (with reg. 1(3))

Commencement Information

- I3** Reg. 14 in force at 31.12.1981, see reg. 1

[^{F50}Notification of examinations and results E+W+S

15.—(1) Subject to paragraph (3), the person by whom an examination is to be carried out shall, before carrying out the examination—

- (a) satisfy himself that there is available to him a supply of forms “VT20” (or “VT20W”) and “VT30” (or “VT30W”) sufficient to enable the result of the examination to be recorded; and
- (b) by electronic communication enter in the electronic record—
 - (i) his intention to carry out the examination;
 - (ii) the registration mark (if any) of the vehicle that he intends to examine; and
 - (iii) the vehicle identification number, chassis number or serial number of the vehicle.

(2) Subject to paragraphs (3) and (4), as soon as reasonably practicable after completing an examination, the person by whom it was carried out—

- (a) shall, by electronic communication, enter in the electronic record, as the circumstances require—
 - (i) that the prescribed statutory requirements are complied with in relation to the vehicle; or
 - (ii) that the prescribed statutory requirements are not complied with in relation to the vehicle;
- (b) shall, by electronic communication—
 - (i) make such other entries in the electronic record as the record requires to be made; or
 - (ii) where he has caused those entries to be made, confirm them;
- (c) may, by electronic communication, make such other entries in the electronic record as the record allows to be made; and where he has caused entries to be so made, he shall confirm them; and
- (d) shall issue—
 - (i) the test certificate or, as the case may be, the notice of the refusal of a test certificate, generated by the system supporting the electronic record; and
 - (ii) such other documents as the Secretary of State may from time to time require to be issued.

(3) Where the person by whom the examination is to be carried out—

- (a) has taken such steps as are reasonably practicable to gain access to the electronic record; and
- (b) has failed to gain access,

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he shall comply with the requirements notified to him by the Secretary of State for advising the Secretary of State that the examination is to be carried out and for recording the result of the examination.

(4) Where documents cannot be generated by the system supporting the electronic record, the person carrying out the examination shall issue a test certificate on form “VT20” or “VT20W” or, as the circumstances require, a notice of the refusal of a test certificate, on form “VT30” or “VT30W”.

(5) As soon as the electronic record becomes available for use, a person who has complied with the requirements mentioned in paragraph (3)—

(a) shall, by electronic communication—

(i) confirm the entries required to be made by paragraph (2)(a) and (b); and

(ii) confirm any other entries that may have been made; and

(b) may, by electronic communication, make such other entries in the electronic record as the record allows to be made.

(6) Where paragraph (4) applies, the authorised examiner or designated council at whose vehicle testing station the examination was carried out, or the Secretary of State—

(a) if required to do so by the person by whom the vehicle was submitted for examination;

(b) on production by that person of the certificate or notice (as the case may be) issued to him in accordance with that paragraph; and

(c) if satisfied that no examination under this regulation or regulation 18 has been carried out in relation to the vehicle since that to which the certificate or notice relates,

shall supply to him, free of charge, the test certificate or, as the case may be, the notice of the refusal of a test certificate generated by the system supporting the electronic record.

(7) A test certificate shall be signed by the person by whom the examination was carried out or such other person as the Secretary of State may in any particular case direct.

(8) A notice of the refusal of a test certificate (including a notice issued in the circumstances mentioned in regulation 16) shall be signed by the person by whom the examination was carried out.

(9) Where a test certificate or notice of the refusal of a test certificate bears a facsimile, by whatever process reproduced, of the signature of a section 66A examiner, the certificate or notice shall be treated as duly signed for the purposes of paragraph (7) or (8).]

F50 [Reg. 15](#) substituted (1.6.2003) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 2003 \(S.I. 2003/1113\)](#), [regs. 1\(1\), 9](#) (with [regs. 1\(3\), 24\(1\)\(a\)\(2\)](#))

Refusal of a test certificate where braking test cannot be carried out **E+W+S**

16.—(1) Where in the course of an examination of a vehicle ^{F51}... ^{F52}... it is found that there are such defects in the construction or condition of the vehicle or its equipment or accessories that to carry out a braking test of the vehicle in the manner in which braking tests of such vehicles are carried out at the vehicle testing station at which the examination is being carried out would be likely to cause danger to any person or damage to the vehicle or any other property, [^{F53}the person carrying out the examination] shall not carry out the braking test but shall complete the rest of the examination in accordance with the provisions of these Regulations.

[^{F54}(2) Subject to paragraphs (2A) and (2B), as soon as reasonably practicable after completing the rest of the examination, the person carrying out the examination—

(a) shall, by electronic communication, enter in the electronic record that the prescribed statutory requirements have not been shown to be met in relation to the vehicle;

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- (b) shall by electronic communication—
 - (i) make such other entries in the electronic record as the record requires to be made; or
 - (ii) where he has caused those entries to be made, confirm them;
- (c) may, by electronic communication, make such other entries in the electronic record as the record allows to be made; and where he has caused entries to be so made, he shall confirm them;
- (d) shall issue—
 - (i) the notice of the refusal of a test certificate generated by the system supporting the electronic record; and
 - (ii) such other documents as the Secretary of State may from time to time require to be issued.

(2A) Where the person by whom the examination is to be carried out—

- (a) has taken such steps as are reasonably practicable to gain access to the electronic record; and
- (b) has failed to gain access,

he shall comply with the requirements notified to him by the Secretary of State for recording the result of the examination.

(2B) Where documents cannot be generated by the system supporting the electronic record, the person carrying out the examination shall issue a notice of the refusal of a test certificate, on form “VT30” or “VT30W”.

(2C) As soon as the electronic record becomes available for use, a person who has complied with the requirements mentioned in paragraph (2B)—

- (a) shall, by electronic communication—
 - (i) confirm the entries required to be made by paragraph (2)(a) and (b); and
 - (ii) confirm any other entries that may have been made; and
- (b) may, by electronic communication, make such other entries in the electronic record as the record allows to be made.

(2D) Where paragraph (2B) applies, the authorised examiner or designated council at whose vehicle testing station the examination was carried out, or the Secretary of State—

- (a) if required to do so by the person by whom the vehicle was submitted for examination;
- (b) on production by that person of the notice issued to him in accordance with that paragraph; and
- (c) if satisfied that no examination under this regulation or regulation 18 has been carried out in relation to the vehicle since that to which the notice relates,

shall supply to him, free of charge, the notice of the refusal of a test certificate generated by the system supporting the electronic record.]

(3) In this Regulation “braking test”, means that part of the examination of that vehicle which is required or authorised to be carried out to ascertain whether the braking requirements are complied with.

^{F55}(4)

F51	Words in reg. 16(1) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) , regs. 1(1), 10(a)(i) (with regs. 1(3), 24(2))
F52	Words in reg. 16(1) omitted (9.10.1995) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438) , reg. 1, Sch. para. 4(a)

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- F53** Words in reg. 16(1) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **10(a)(ii)** (with regs. 1(3), 24(2))
- F54** Reg. 16(2)-(2D) substituted for reg. 16(2) (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **10(b)** (with regs. 1(3), 24(1)(a)(2))
- F55** Reg. 16(4) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **10(c)** (with regs. 1(3), 24(2))

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- I4** Reg. 16 in force at 31.12.1981, see reg. 1

Removal of vehicles submitted for examination **E+W+S**

17.—(1) Where a vehicle has been submitted for an examination at a vehicle testing station of an [^{F56}authorised] examiner, a designated council or the Secretary of State, the person by whom the vehicle has been so submitted shall save as may otherwise be permitted by the examiner, designated council or the Secretary of State, as the case may be, cause it to be removed from the custody of the examiner, council or the Secretary of State, as the case may be—

- (a) where an appointment or arrangement has been made for the carrying out of the examination on a particular day and the examination has been completed on or before that day, before the end of the second day after that day, or
- (b) in any other case, before the end of the second day after the day on which the person submitting the vehicle for examination is given notice (whether in writing or not)—
 - (i) that the examination has been carried out, or
 - (ii) in a case where the examination is not carried out by reason of any of the provisions of Regulation 13 that he is to remove the vehicle from such custody.

(2) 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 [^{F57}authorised] 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, ^{F58}...
- (b) references to a vehicle as being in the custody of a designated council ^{F59}... include references to a vehicle which is, in connection with the carrying out of an examination [^{F60}in the control or care of an inspector].
- ^{F61}(c) references to a vehicle as being in the custody of the Secretary of State include references to a vehicle which is, in connection with the carrying out of an examination [^{F62}in the control or care of a section 66A examiner].

F56 Word in reg. 17(1) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **11(a)** (with reg. 1(3))

F57 Word in reg. 17(2)(a) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **11(b)(i)** (with reg. 1(3))

F58 Word in reg. 17(2) omitted (9.10.1995) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438), reg. 1, **Sch. para. 5(a)**

F59 Words in reg. 17(2)(b) omitted (9.10.1995) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438), reg. 1, **Sch. para. 5(a)**

F60 Words in reg. 17(2)(b) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **11(b)(ii)** (with reg. 1(3))

F61 Reg. 17(2)(c) inserted (9.10.1995) by The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 (S.I. 1995/2438), reg. 1, **Sch. para. 5(b)**

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F62 Words in [reg. 17\(2\)\(c\)](#) substituted (1.6.2003) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 2003 \(S.I. 2003/1113\)](#), [regs. 1\(1\)](#), [11\(b\)\(iii\)](#) (with [reg. 1\(3\)](#))

Commencement Information

I5 [Reg. 17](#) in force at 31.12.1981, see [reg. 1](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 1(c) inserted by [S.I. 2003/1698 reg. 9\(3\)](#)
- Sch. 2 para. 3(b) item 27A inserted by [S.I. 2007/506 reg. 4\(2\)\(b\)](#)
- Sch. 2 para. 2(e) inserted by [S.I. 2013/271 reg. 12\(1\)](#)
- Sch. 2 para. 4(b) item 32 omitted by [S.I. 2007/506 reg. 4\(3\)\(b\)](#)
- Sch. 2 para. 5(e) omitted by [S.I. 2017/850 reg. 15\(b\)](#)
- Sch. 2 para. 2(d) substituted by [S.I. 2003/1698 reg. 9\(4\)](#)
- Sch. 2 para. 5(a) word inserted by [S.I. 2013/271 reg. 12\(5\)](#)
- Sch. 2 para. 5A(a) word inserted by [S.I. 2013/271 reg. 12\(6\)](#)
- Sch. 2 para. 3(b) word substituted by [S.I. 2007/506 reg. 4\(2\)\(a\)](#)
- Sch. 2 para. 3A(a) word substituted by [S.I. 2013/271 reg. 12\(3\)](#)
- Sch. 2 para. 4(a) words inserted by [S.I. 2007/506 reg. 4\(3\)\(a\)](#)
- Sch. 2 para. 4A words inserted by [S.I. 2007/506 reg. 4\(4\)](#)
- Sch. 2 para. 3(b) table words inserted by [S.I. 2013/271 reg. 12\(2\)](#)
- Sch. 2 para. 4(a) words substituted by [S.I. 2007/506 reg. 4\(3\)\(a\)](#)
- Sch. 2 para. 4A words substituted by [S.I. 2007/506 reg. 4\(4\)](#)
- Sch. 2 para. 1(c) item 13A words substituted by [S.I. 2009/643 reg. 5\(2\)](#)
- Sch. 2 para. 2(b) item 22 words substituted by [S.I. 2009/643 reg. 5\(3\)](#)
- Sch. 2 para. 2(d) item 27 words substituted by [S.I. 2009/643 reg. 5\(4\)](#)
- Sch. 2 para. 4(a) words substituted by [S.I. 2013/271 reg. 12\(4\)](#)
- Sch. 2 para. 3(a) words substituted by [S.I. 2017/850 reg. 11\(a\)](#)
- Sch. 2 para. 3A(a) words substituted by [S.I. 2017/850 reg. 12](#)
- Sch. 2 para. 4(a) words substituted by [S.I. 2017/850 reg. 13\(a\)](#)
- Sch. 2 para. 4A words substituted by [S.I. 2017/850 reg. 14](#)
- Sch. 2 para. 5(a) words substituted by [S.I. 2017/850 reg. 15\(a\)](#)
- Sch. 2 para. 5A(a) words substituted by [S.I. 2017/850 reg. 16](#)
- Sch. 2 para. 5(f) words substituted by [S.I. 2019/453 reg. 24\(3\)\(c\)](#)
- Sch. 2 para. 5A(c) words substituted by [S.I. 2019/453 reg. 24\(3\)\(d\)](#)
- reg. 5(6) inserted by [S.I. 2017/850 reg. 4\(b\)](#)
- reg. 5(6)(b) words substituted by [S.I. 2020/818 Sch. 6 para. 8\(2\)](#)
- reg. 6(1)(xxi)(b) substituted by [S.I. 2017/850 reg. 5\(a\)](#)
- reg. 6(1)(xivA) inserted by [S.I. 2006/594 Sch. para. 6](#)
- reg. 6(1)(xxvi) and word inserted by [S.I. 2012/2652 reg. 3\(3\)](#)
- reg. 6(1)(xxvii)(xxviii) inserted by [S.I. 2017/850 reg. 5\(d\)](#)
- reg. 6(1)(xxix) inserted by [S.I. 2020/382 reg. 2\(2\)](#)
- reg. 6(1)(xxix) revoked by [S.I. 2020/382 reg. 3](#)
- reg. 6(1)(xxvi) substituted by [S.I. 2017/850 reg. 5\(c\)](#)
- reg. 6(1B) inserted by [S.I. 2020/382 reg. 2\(3\)](#)
- reg. 6(1B) revoked by [S.I. 2020/382 reg. 3](#)
- reg. 6(1B)(a) words substituted by [S.I. 2020/790 reg. 2](#)
- reg. 6(3)(b) words substituted by [S.I. 2017/850 reg. 6](#)
- reg. 7A(2) word substituted by [S.I. 2014/480 reg. 3\(4\)](#)

- reg. 8A(a)(ii) word substituted by S.I. 2014/480 reg. 3(5)
- reg. 8B(c) word substituted by S.I. 2014/480 reg. 3(6)
- reg. 8C(b) word substituted by S.I. 2014/480 reg. 3(7)
- reg. 8C(c) word substituted by S.I. 2014/480 reg. 3(7)
- reg. 8D(a)(ii) word substituted by S.I. 2014/480 reg. 3(8)
- reg. 8D(b) word substituted by S.I. 2014/480 reg. 3(8)
- reg. 8E(c) word substituted by S.I. 2014/480 reg. 3(9)
- reg. 13(1)(m) words substituted by S.I. 2019/453 reg. 24(3)(a)
- reg. 20(1)(c)(i) sum substituted by S.I. 2004/1632 reg. 2(2) Table
- reg. 20(1)(c)(i) sum substituted by S.I. 2005/1832 reg. 3(2) Table
- reg. 20(1)(c)(i) sum substituted by S.I. 2006/2680 reg. 3(2) Table
- reg. 20(1)(c)(i) sum substituted by S.I. 2008/1402 reg. 3(2) Table
- reg. 20(1)(c)(i) sum substituted by S.I. 2009/643 reg. 3(2) Table
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- reg. 20(1)(d)(ii) sum substituted by S.I. 2010/449 reg. 4(2) Table
- reg. 20(1)(e)(ea) substituted by S.I. 2012/307 reg. 3(2)
- reg. 20(1)(ca) sum substituted by S.I. 2004/1632 reg. 2(2) Table
- reg. 20(1)(ca) sum substituted by S.I. 2005/1832 reg. 3(2) Table
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- reg. 20(1)(da)(i) sum substituted by S.I. 2004/1632 reg. 2(2) Table
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- reg. 20(1)(ea)(i) sum substituted by S.I. 2004/1879 reg. 2(2) Table
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- reg. 20(1)(ea)(i) sum substituted by S.I. 2007/506 reg. 3(2) Table
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- reg. 20(1)(ea)(i) word substituted by S.I. 2014/2114 reg. 3(4)

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- reg. 20(1)(ea)(ii) sum substituted by S.I. 2010/449 reg. 4(3) Table
- reg. 20(1)(ea)(ii) word substituted by S.I. 2014/2114 reg. 3(5)
- reg. 20(3)(3ZA) substituted by S.I. 2007/1161 reg. 2(2)
- reg. 20(3)(3ZA) substituted for reg. 20(3) by S.I. 2006/1998 reg. 2(2)
- reg. 20(3B)(3C) substituted by S.I. 2006/1998 reg. 2(6)
- reg. 20(4)(i) words omitted by S.I. 2010/449 reg. 4(6)(a)
- reg. 20(4)(ii) words omitted by S.I. 2010/449 reg. 4(6)(a)
- reg. 23(1)(c) word substituted by S.I. 2014/480 reg. 3(11)
- reg. 23(3)(b) substituted by S.I. 2005/1832 reg. 4
- reg. 25A(3A)(3B) inserted by S.I. 2003/1698 reg. 8(2)
- reg. 31 inserted by S.I. 2013/271 reg. 13
- reg. 31(2) words substituted by S.I. 2017/850 reg. 8