STATUTORY INSTRUMENTS

2003 No. 1113

The Motor Vehicles (Tests) (Amendment) Regulations 2003

Refusal of test certificate where braking test cannot be carried out

10. In regulation 16 (refusal of a test certificate where braking test cannot be carried out)—

(a) in paragraph (1)—

(i) omit "by an examiner or an inspector appointed by a designated council"; and

(ii) for "the examiner or inspector", substitute "the person carrying out the examination";

(b) for paragraph (2), substitute the following paragraphs—

"(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;

(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.”; and

(c) omit paragraph (4).