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STATUTORY INSTRUMENTS

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**2003 No. 1113**

**The Motor Vehicles (Tests) (Amendment) Regulations 2003**

**Notification of examinations and results**

9. For regulation 15 (results of examinations), substitute the following regulation—

**“Notification of examinations and results**

**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,

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).”.