

**EXPLANATORY MEMORANDUM TO**  
**THE ROAD VEHICLES (TESTING) (MISCELLANEOUS AMENDMENTS)**  
**REGULATIONS 2013**

**2013 No. 271**

**1** This explanatory memorandum has been prepared by the Department for Transport and is laid before the Parliament by Command of Her Majesty.

**2 Purpose of the instrument**

2.1 This instrument adds additional requirements to the roadworthiness testing schemes in the UK by making amendments the following Regulations:

2.1.1 the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078);

2.1.2 the Goods Vehicles (Plating and Testing) Regulations 1988(SI 1988/1478); and

2.1.3 the Motor Vehicles (Tests) Regulations 1981 (SI 1981/1694) (together “the Testing Regulations”).

2.2 It transposes Commission Directive 2010/48/EU of 5 July 2010 adapting to technical progress Directive 2009/40/EC of the European Parliament and of the Council on the roadworthiness tests for motor vehicles and their trailers (“the 2010 Directive”).

**3 Matters of special interest to the Select Committee on Statutory Instruments**

3.1 None

**4 Legislative Context**

4.1 The Testing Regulations, among other things, include provisions for the roadworthiness testing of vehicles in Great Britain and they implement Directive 2009/40/EU on the roadworthiness tests for motor vehicles and their trailers (“the 2009 Directive”). In particular, Annex II of the 2009 Directive contains a list of the items to be compulsory tested in roadworthiness tests in the EU. The 2009 Directive has been amended by the 2010 Directive to take account of technical progress. The update has been achieved by substituting a new version of Annex II for the original version in the 2009 Directive. Much of the content of the new Annex II remains the same and is therefore already implemented in UK law by the Testing Regulations. There are some new and amended items in the new version of Annex II of the 2009 Directive, which are listed in Annex 1 of this memorandum. Some of

these new or amended items do not require implementation in UK law because existing legislation is flexible enough to allow for these items to be included in roadworthiness tests using administrative measures. Some of the new and amended items require amendments to the Testing Regulations in order for the UK to transpose fully Directive 2010/48/EU into domestic legislation. This instrument does that for Great Britain. Similar Regulations are being prepared for Northern Ireland. Gibraltar will make its own legal instrument to ensure it complies with the Directive.

4.2 A Transposition Note is at Annex 2.

## **5 Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

## **6 European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7 Policy background**

- *What is being done and why*

7.1 We are amending UK legislation to reflect developments in the testing of motor vehicles and their components. The EU has issued base directives on the periodic technical inspection of motor vehicles to improve road safety and environmental protection, and to increase harmonisation of standards. The 2010 Directive updates the testing requirements to take account of new developments in vehicle design and technology. We need to update the content of the annual roadworthiness test to reflect these developments. A list of the new or amended items that need to be compulsory tested following the 2010 Directive can be found in Annex I to this Memorandum.

7.2 The Testing Regulations have been amended frequently since they were first made. We currently have no plans to consolidate them.

## **8 Consultation outcome**

8.1 VOSA published revised car and light goods, heavy goods and passenger service vehicle inspection manuals which incorporated the proposed changes required to implement the Directive on March 31st 2011. The consultation was open for eight weeks. There were four responses to the consultation consisting of one trade association, one member organisation, one member of the public and one MOT tester. As a result, the text of the manual was clarified in some of the revised areas, but no substantive changes made. There were no concerns

raised as to the proposals made to implement the requirements of the Directive into our existing roadworthiness test schemes.

## **9. Guidance**

- 8.1 VOSA will directly advise test stations as part of their engagement with industry of the changes to the annual roadworthiness tests and the date from which they apply. DfT will publish the changes on its website.

## **10. Impact**

- 10.1 The impact on business, charities or voluntary bodies will depend on whether they operate vehicles that fall within the test regime. The impact will be limited to the extent that the new testable items require additional checking or repair.
- 10.2 The impact on the public sector is similar to that for businesses, charities or voluntary bodies.
- 10.3 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on [www.legislation.gov.uk](http://www.legislation.gov.uk).
- 10.4 The Department has screened these proposals for their likely impact on equality groups and has determined that there are no impacts. An Equality Impact Assessment (EqIA) is not required.
- 10.5 The Department estimates no additional impact on the environment as a result of these changes.
- 10.6 We do not expect any impact on competition.
- 10.7 The changes are not expected to produce a disproportionate impact on small firms.

## **11. Regulating small business**

- 11.1 The legislation applies to small business if they operate vehicles which come within the categories that are tested. There is no mechanism to minimise the impact of the requirements on firms employing up to 20 people.

## **12. Monitoring & review**

- 12.1 The amendments made to the Testing Regulations by this Instrument will be reviewed after they have been in force for five years, and will be reviewed every five years thereafter. The review will set out objectives intended to be achieved by the inclusion of the additional

test items, assess to what extent those objectives have been achieved, and assess whether those objectives remain appropriate.

### **13. Contact**

**Mark Heverin**

Department for Transport

Tel: 0207 9446566

Email: [mark.heverin@dft.gsi.gov.uk](mailto:mark.heverin@dft.gsi.gov.uk).

## **Annex 1**

List of items added or amended by the 2010 Directive:

Headlamp levelling and cleaning devices when fitted for HID or LED headlamps

Main beam 'tell-tale' light on dash (blue)

Battery (including batteries for electric or hybrid vehicles)

Electrical wiring and connectors

Trailer electrical socket security and damage

Operation of 13-pin trailer electrical sockets using an approved trailer socket tester

Operation of the steering lock (where fitted) including that malfunction warning is not displayed for an electronic steering lock

Electronic power steering malfunction warning indicating a fault

Electronic parking brake control and malfunction indicator lamp

Electronic Stability Control (ESC) components, including the switch (if fitted) and malfunction warning

Brake fluid warning lamp illuminated or inoperative

Tyre Pressure Monitoring Systems (TPMS)

SRS components including airbags, seat belt pre-tensioners, seat belt load limiters and SRS malfunction warning lamp

Engine mountings

Speedometer

Indirect vision devices (where they replace obligatory mirrors)

**For Class 5 vehicles, there are also the following new components:**

Electronic Braking System warning device

Entrance & exit steps and doors

Door remote, emergency controls and warning devices

Stairs

Emergency exit signs, windows and 'break glass' hammers

## ANNEX 2

Commission Directive 2010/48/EU of 5 July 2010 adapting to technical progress Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers.

These regulations do no more than is necessary to implement the Directive, including consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
1	To update the items to be compulsory tested in roadworthiness tests, which are listed in Annex II of the Directive 2009/40/EU, to take account of technical progress.	The majority of the items listed in the new Annex II of Directive 2010/48/EU are the same as those listed in the previous version of Annex II, and require no implementation. Some of the items in the new Annex II are new or have been updated. Of those items, some are already implemented by existing UK legislation, and some have required amendments to UK legislation in order to implement them. Regulations 3, 7, 8 and 11 of the Road Vehicles (Testing) (Miscellaneous Amendments) Regulations 2012 make changes to existing UK legislation to ensure that any new and updated items can be tested in annual roadworthiness tests.	Secretary of State

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
Annex II, item 0.1	To ensure that a vehicle will fail its roadworthiness test where its registration mark does not match the vehicle's documents or records	Regulation 7 and 11(1) of these Regulations add a new testing requirement to existing legislation. This requires that the registration mark displayed on a vehicle must match the mark assigned to that vehicle by the Secretary of State.	Secretary of State
Annex II, item 1.2.2 and 1.3.2	To update the braking efficiency for M1 vehicles to take account of technical progress.	Regulation 3 of these Regulations updates the testing requirement for braking efficiency for M1 vehicles in UK legislation.	Secretary of State
Annex II, items 4.10, 4.11, 4.13, 7.1.3, 7.1.4, 7.1.5, 7.1.6 and 7.12	To update the items to be compulsory tested to include electrical connections between a vehicle and its trailer; electrical wiring, safety belt load-limiters; safety belt pre-tensioners; airbags; SRS systems; and Electronic Stability Control. The update also includes an extension of the testing requirement for the vehicle's battery to include its ventilation and connected switches and fuses.	Regulations 8 and 11(2) of these Regulations make the necessary additions and amendments to the testing requirements in UK legislation.	Secretary of State
	The following items were brought in as part of the Directive but are covered through existing regulations.		

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
Annex II items 4.1.5 and 4.1.6	To update the testing requirement to include cleaning and levelling devices for HID or LED headlamps	Schedule 1, Regulation 23 of the Road Vehicle Lighting Regulations covers this requirement.	Secretary of State
Items 4.9.1 and 4.9.2	Requirement for tell tales for lighting equipment.	Schedule 2, Regulation 18 of RVLR will cover this	Secretary of State
2.6	Warning Malfunction Light for faults on power steering	Regulation 29 of Construction & Use Regs will cover this requirement	Secretary of State
Item 1.7	Electronic Brake System (EBS) inspection of warning device which also covers Class 5 (M2)	C&U R18 (1) A which excludes ABS faults, but EBS is part of the braking system and so can be tested.	Secretary of State
Item 1.1.6	Brake fluid warning lamp illuminated or inoperative	New Reason for Failure (RfF) are covered in Motor Vehicle Test Requirement Schedule 3 Part IV 6 and P&T refers through to construction requirements in UN-ECE Regulation 13	Secretary of State
Item 5.2.3	Tyre Pressure Monitoring Systems (TPMS) to be tested	Regulation 100 of Construction & Use Regs will cover this requirement	Secretary of State
Item 9.1.1	Additional Items for door controls and warning devices for Class 5 (M2) do not require changes to existing regulations.		
0.2	Vehicle identification chassis/serial number	No changes required	Secretary of State



	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
1.1.1	Service brake pedal/hand lever pivot.	No changes required	Secretary of State
1.1.2	Pedal/hand lever condition and travel of the brake operating device.	No changes required	Secretary of State
1.1.3	Vacuum pump or compressor and reservoirs	No changes required	Secretary of State
1.1.4	Low pressure warning gauge or indicator	No changes required	Secretary of State
1.1.5	Hand operated brake control valve	No changes required	Secretary of State
1.1.6	Parking brake activator, lever control, parking brake ratchet, electronic parking brake	No changes required	Secretary of State
1.1.7	Braking valves (foot valves, unloaders, governors)	No changes required	Secretary of State
1.1.8	Couplings for trailer brakes (electrical & pneumatic)	No changes required	Secretary of State
1.1.9	Energy storage reservoir pressure tank	No changes required	Secretary of State
1.1.10	Brake servo units master cylinder (hydraulic systems)	No changes required	Secretary of State
1.1.11	Rigid brake pipes	No changes required	Secretary of State
1.1.12	Flexible brake hoses	No changes required	Secretary of State
1.1.13	Brake linings and pads	No changes required	Secretary of State
1.1.14	Brake drums, brake discs	No changes required	Secretary of State
1.1.15	Brake cables, rods, levers, linkages	No changes required	Secretary of State
1.1.17	Load sensing valve	No changes required	Secretary of State
1.1.18	Slack adjusters and indicators	No changes required	Secretary of State
1.1.20	Automatic operation of trailer brakes	No changes required	Secretary of State

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
1.1.21	Complete braking system	No changes required	Secretary of State
1.1.22	Test connections (where fitted or required)	No changes required	Secretary of State
1.3.1	Performance	No changes required	Secretary of State
1.3.2	Efficiency	No changes required	Secretary of State
1.4	Parking braking performance and efficiency	No changes required	Secretary of State
1.4.1	Performance	No changes required	Secretary of State
1.4.2	Efficiency	No changes required	Secretary of State
1.5	Endurance braking system performance	No changes required	Secretary of State
1.6	Anti-lock braking system (ABS)	No changes required	Secretary of State
2.1.1	Steering gear condition	No changes required	Secretary of State
2.1.2	Steering gear casing attachment	No changes required	Secretary of State
2.1.3	Steering linkage condition	No changes required	Secretary of State
2.1.4	Steering linkage operation	No changes required	Secretary of State
2.1.5	Power steering	No changes required	Secretary of State
2.2	Steering wheel, column and handle bar	No changes required	Secretary of State
2.2.1	Steering wheel/handle bar condition	No changes required	Secretary of State
2.2.2	Steering columns/yokes and forks	No changes required	Secretary of State
2.3	Steering play	No changes required	Secretary of State
2.4	Wheel alignment (x)	No changes required	Secretary of State
2.5	Trailer steered axle turnable	No changes required	Secretary of State
2.6	Electronic Power Steering	No changes required	Secretary of State

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
3.1	Field of vision	No changes required	Secretary of State
3.2	Condition of glass	No changes required	Secretary of State
3.3	Rear-view mirrors or devices	No changes required	Secretary of State
3.4	Windscreen wipers	No changes required	Secretary of State
3.5	Windscreen washers	No changes required	Secretary of State
3.6	Demisting system (X)	No changes required	Secretary of State
4.1.1	Condition and operation	No changes required	Secretary of State
4.1.2	Alignment	No changes required	Secretary of State
4.1.3	Switching	No changes required	Secretary of State
4.1.4	Compliance with requirements	No changes required	Secretary of State
4.2.1	Condition and operation	No changes required	Secretary of State
4.2.2	Switching	No changes required	Secretary of State
4.2.3	Compliance with requirements	No changes required	Secretary of State
4.3.1	Condition and operation	No changes required	Secretary of State
4.3.2	Switching	No changes required	Secretary of State
4.3.3	Compliance with requirements	No changes required	Secretary of State
4.5.1	Condition and operation	No changes required	Secretary of State
4.5.2	Alignment (X)	No changes required	Secretary of State
4.5.3	Switching	No changes required	Secretary of State
4.5.4	Compliance with requirements	No changes required	Secretary of State
4.6.1	Condition and operation	No changes required	Secretary of State

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
4.6.2	Compliance with requirements	No changes required	Secretary of State
4.6.3	Switching	No changes required	Secretary of State
4.7.1	Condition and operation	No changes required	Secretary of State
4.7.2	Compliance with requirements	No changes required	Secretary of State
4.8.1	Condition	No changes required	Secretary of State
4.8.2	Compliance with requirements	No changes required	Secretary of State
4.9.1	condition and operation	No changes required	Secretary of State
4.9.2	Compliance with requirements	No changes required	Secretary of State
4.10	Electrical connections between towing vehicle and trailer or semi trailer	No changes required	Secretary of State
4.11	Electrical wiring	No changes required	Secretary of State
4.12	Non obligatory lamps and retro reflectors (x)	No changes required	Secretary of State
4.1.3	Switching	No changes required	Secretary of State
4.1.4	Compliance with requirements	No changes required	Secretary of State
4.1.5	Levelling devices (where mandatory)	No changes required	Secretary of State
4.1.6	Headlamp cleaning device (where mandatory)	No changes required	Secretary of State
4.2.1	Condition and operation	No changes required	Secretary of State
4.2.2	Switching	No changes required	Secretary of State
4.2.3	Compliance with requirements	No changes required	Secretary of State
4.3.1	Condition and operation	No changes required	Secretary of State
4.3.2	Switching	No changes required	Secretary of State
4.3.3	Compliance with requirements	No changes required	Secretary of State

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
4.4.1	Condition and operation	No changes required	Secretary of State
4.4.2	Switching	No changes required	Secretary of State
4.4.3	Compliance with requirements	No changes required	Secretary of State
4.4.4	Flashing frequency	No changes required	Secretary of State
4.5.1	Condition and operation	No changes required	Secretary of State
4.5.2	Alignment (X)	No changes required	Secretary of State
4.5.3	Switching	No changes required	Secretary of State
4.5.4	Compliance with requirements	No changes required	Secretary of State
4.6.1	Condition and operation	No changes required	Secretary of State
4.6.2	Compliance with requirements	No changes required	Secretary of State
4.6.3	Switching	No changes required	Secretary of State
4.7.1	Condition and operation	No changes required	Secretary of State
4.7.2	Compliance with requirements	No changes required	Secretary of State
4.8.1	Condition	No changes required	Secretary of State
4.8.2	Compliance with requirements	No changes required	Secretary of State
4.9.1	condition and operation	No changes required	Secretary of State
4.9.2	Compliance with requirements	No changes required	Secretary of State
4.12	Non obligatory lamps and retro reflectors (x)	No changes required	Secretary of State
4.13	Battery(ies)	No changes required	Secretary of State
5.1.1	Axles	No changes required	Secretary of State

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
5.1.2	Stub axles	No changes required	Secretary of State
5.1.3	Wheel bearings	No changes required	Secretary of State
5.2.1	Road wheel hub	No changes required	Secretary of State
5.2.2	Wheels	No changes required	Secretary of State
5.2.3	Tyres	No changes required	Secretary of State
5.3.1	Springs and stabilizer	No changes required	Secretary of State
5.3.2	Shock absorbers	No changes required	Secretary of State
5.3.2.1	efficiency testing of damping (X)	No changes required	Secretary of State
5.3.3	Torque tubes, radius arms, wishbones and suspension arms	No changes required	Secretary of State
5.3.4	Suspension joints	No changes required	Secretary of State
5.3.5	Air suspension	No changes required	Secretary of State
6.1.1	General condition	No changes required	Secretary of State
6.1.2	Exhaust pipes and silencers	No changes required	Secretary of State
6.1.3	Fuel tank and pipes (including heating fuel tank and pipes)	No changes required	Secretary of State
6.1.4	Bumpers, lateral protection and rear underrun devices	No changes required	Secretary of State
6.1.5	Spare wheel carrier (if fitted)	No changes required	Secretary of State
6.1.6	Coupling mechanisms and towing equipment	No changes required	Secretary of State
6.1.7	Transmission	No changes required	Secretary of State
6.1.8	Engine mountings	No changes required	Secretary of State
6.1.9	Engine performance	No changes required	Secretary of State
6.2.1	Condition	No changes required	Secretary of State

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
6.2.2	Mounting	No changes required	Secretary of State
6.2.3	Door and door catches	No changes required	Secretary of State
6.2.4	Floor	No changes required	Secretary of State
6.2.5	Driver's seat	No changes required	Secretary of State
6.2.6	Other seats	No changes required	Secretary of State
6.2.7	Driving controls	No changes required	Secretary of State
6.2.8	Cab steps	No changes required	Secretary of State
6.2.9	Other interior and exterior fittings and equipment	No changes required	Secretary of State
6.2.10	Mudguards (wings), spray suppression devices	No changes required	Secretary of State
7.1.1	Security of safety belts/ buckles mounting	No changes required	Secretary of State
7.1.2	Condition of safety belts/buckles	No changes required	Secretary of State
7.1.3	Safety belt Load-limiter	No changes required	Secretary of State
7.1.4	Safety belt Pre-tensioners	No changes required	Secretary of State
7.1.5	Airbag	No changes required	Secretary of State
7.1.6	SRS Systems	No changes required	Secretary of State
7.2	Fire extinguisher (X)	No changes required	Secretary of State
7.3	Locks and antitheft device	No changes required	Secretary of State
7.4	Warning triangle (if required)	No changes required	Secretary of State
7.5	First aid kit (if required)	No changes required	Secretary of State
7.6	Wheel chocks (wedges) (if required)	No changes required	Secretary of State
7.7	Audible warning device	No changes required	Secretary of State

	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
7.8	Speedometer	No changes required	Secretary of State
7.9	Tachograph (if fitted/required)	No changes required	Secretary of State
7.10	Speed limitation device (if fitted/required)	No changes required	Secretary of State
7.11	Odometer if available	No changes required	Secretary of State
8.1.1	Noise suppression system	No changes required	Secretary of State
8.2.1.1	Exhaust emissions control equipment	No changes required	Secretary of State
8.2.1.2	Gaseous emissions	No changes required	Secretary of State
8.2.2.1	Exhaust emission control equipment	No changes required	Secretary of State
8.2.2.2	Opacity	No changes required	Secretary of State
8.3.1	Radio-interference (x)	No changes required	Secretary of State
8.4.1	Fluid leaks	No changes required	Secretary of State
9.1.1	Entrance and exit doors	No changes required	Secretary of State
9.1.2	Emergency exits	No changes required	Secretary of State
9.2	Demisting and defrosting system (X)	No changes required	Secretary of State
9.3	Ventilation and heating system	No changes required	Secretary of State
9.4	Seats	No changes required	Secretary of State
9.4.1	Passenger seats (including seats for accompanying personnel)	No changes required	Secretary of State
9.4.2	Driver's seat (additional requirements)	No changes required	Secretary of State
9.5	Interior lighting and destination devices (X)	No changes required	Secretary of State
9.6	Gangways, standing areas	No changes required	Secretary of State
9.7	Stairs and steps	No changes required	Secretary of State



	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
9.8	Passenger communication system (X)	No changes required	Secretary of State
9.9	Notices (X)	No changes required	Secretary of State
9.10.1	Doors	No changes required	Secretary of State
9.10.2	Signalling and special equipment	No changes required	Secretary of State
9.11	Requirements regarding the transport of disabled persons (X)	No changes required	Secretary of State
9.11.1	Doors, ramps and lifts	No changes required	Secretary of State
9.11.2	Wheelchair fixings	No changes required	Secretary of State
9.11.3	Signalling and special equipment	No changes required	Secretary of State
9.12	Other special equipment (X)	No changes required	Secretary of State
9.12.1	Installations for food preparation	No changes required	Secretary of State
9.12.2	Sanitary installation	No changes required	Secretary of State
9.12.3	Other devices (e.g. audiovisual devices)	No changes required	Secretary of State