

**EXPLANATORY MEMORANDUM TO**  
**THE MOTOR VEHICLES (TESTS) (AMENDMENT) (CORONAVIRUS) (NO. 2)**  
**REGULATIONS 2020**

**2020 No. 790**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 The Motor Vehicles (Tests) (Amendment) (Coronavirus) Regulations 2020 (“the 2020 Regulations”) introduced a six-month exclusion to the test certificate requirement for light vehicles due to be tested between 30th March 2020 and 29th March 2021. As COVID-19 related restrictions are now being eased when safe to do so, the instrument provides for the re-introduction of mandatory testing at the usual due date for light vehicles due to be tested on or after 1st August 2020.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 The instrument has been laid fewer than 21 days before its coming into force. The Department regrets the delay but considers that the public announcement of this policy on 29th June has provided adequate notice to interested persons.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales and Scotland.
- 4.2 The territorial application of this instrument is England, Scotland and Wales.

**5. European Convention on Human Rights**

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

**6. Legislative Context**

- 6.1 The context is set out in the explanatory memorandum to the 2020 Regulations: [https://www.legislation.gov.uk/ukxi/2020/382/pdfs/ukxiem\\_20200382\\_en.pdf](https://www.legislation.gov.uk/ukxi/2020/382/pdfs/ukxiem_20200382_en.pdf). In summary, section 47(1) of the Road Traffic Act 1988 generally prohibits using a light vehicle on a road without a test certificate and section 47(5) confers a power on the

Secretary of State to exclude classes of vehicle from this prohibition. The 2020 Regulations temporarily excluded all light vehicles (other than public service vehicles and those that could not be lawfully used on a road) from the prohibition.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The six-month exclusion to the test certificate requirement for light vehicles was introduced in March by the 2020 Regulations in anticipation of disruption to the testing regime (the scope and rationale for the exclusion are set out in the explanatory memorandum to that instrument). It was made clear at that time that the use of the exclusion would be kept under review.
- 7.2 As COVID-19 related restrictions are being eased when safe to do so, and a majority of garages are now open and conducting testing, the final date on which a six-month exclusion can begin is being brought forward from 29th March 2021 to prevent unnecessary disruption to the testing regime. The test certificate requirement will again apply to vehicles due to be tested on or after 1st August 2020. If a vehicle is due to be tested on or before 31st July 2020, the exclusion will still apply to that vehicle, beginning on the day after the due date.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 No consolidation is being done.

## **10. Consultation outcome**

- 10.1 The Secretary of State has directly consulted with representative organisations. 31 responses were received, expressing broad support for these proposals. Both the road safety benefits of reintroducing testing, and the financial benefits to industry, were particularly noted. Concerns were raised by some respondents regarding capacity within the testing network and demand levels as vehicles eligible for the exclusion become due for testing. However, this was not a collectively held view, with many supportive of reintroducing testing as speedily as possible. Further discussions with industry and analysis also suggest that capacity is sufficient, and may be managed via differential pricing in times of peak or lower demand.

## **11. Guidance**

- 11.1 Guidance on these changes can be found at <https://www.gov.uk/guidance/coronavirus-covid-19-mots-for-cars-vans-and-motorcycles-due-from-30-march-2020> and requested from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

## **12. Impact**

- 12.1 An Impact Assessment has not been prepared for this instrument due to the time available during the pandemic. A light-touch analytical assessment relating to this

policy was provided to ministers and broad impacts were set out by the proportionate analysis noted in the original explanatory memorandum.

### **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 No specific action is proposed to minimise regulatory burdens on small businesses.
- 13.3 The basis for the final decision on what action to take to assist small businesses is that as the instrument does not increase the regulatory burdens on small businesses, no action is required.

### **14. Monitoring & review**

- 14.1 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the Parliamentary Under Secretary of State, Baroness Vere of Norbiton, has made the following statement: “In my view, it is not appropriate to provide for a review of this instrument as it will cease to have effect after a short and fixed period of time.”

### **15. Contact**

- 15.1 Antony Ovens at the Department for Transport Telephone: 07977 432199 or email: antony.ovens@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Duncan Price, Divisional Manager for Freight, Operator Licensing and Roadworthiness, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Parliamentary Under Secretary of State, Baroness Vere of Norbiton at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.