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STATUTORY INSTRUMENTS

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**1995 No. 2438**

**ROAD TRAFFIC**

**The Motor Vehicles (Tests)  
(Amendment) (No. 2) Regulations 1995**

*Made* - - - - *14th September 1995*  
*Laid before Parliament* *18th September 1995*  
*Coming into force* - - *9th October 1995*

The Secretary of State for Transport, in exercise of the powers conferred by sections 45 and 46 of the Road Traffic Act 1988(1) and by the Department of Transport (Fees) Order 1988(2), and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:

1. These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1995 and shall come into force on 9th October 1995.
2. The Motor Vehicles (Tests) Regulations 1981(3) shall be further amended in accordance with the provisions of these Regulations.
3. In regulation 9, after paragraph (2) there shall be inserted the following paragraph—

“(3) Without prejudice to paragraph (2), the Secretary of State may give notice to an examiner—

  - (a) that a person has not attended a course of instruction approved by the Secretary of State when required to attend such a course by the Secretary of State; or
  - (b) that a person has attended such a course when required to do so by the Secretary of State but did not successfully complete it,

and on receipt of the notice the examiner shall arrange that the person shall no longer carry out or supervise examinations or sign test certificates, as the case may be.”
4. In regulation 10(5)(b), for “28” there shall be substituted “35”.
- 5.—(1) Regulation 13 shall be renumbered as paragraph (1) of that regulation and in that provision as so re-numbered—

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(1) 1988 c. 52; sections 45 and 46 were amended by paragraphs 52 and 53 of Schedule 4 to the Road Traffic Act 1991 (c. 40). Section 66A was inserted by section 9(1) of that Act.  
(2) S. I. 1988/643; the relevant reference is paragraph 1 of Table III and the relevant amending instrument is S.I.1995/1684.  
(3) S.I. 1981/1694; relevant amending instruments are S.I. 1984/1126, 1989/1694, 1991/1525 and 2229, 1992/566, 1609 and 3160 and 1994/2136.

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- (a) the words “or the Secretary of State” in each place where they occur shall be omitted;
- (b) the word “and” immediately after sub-paragraph (e) shall be omitted and after sub-paragraph (f) there shall be inserted the following sub-paragraphs—
  - “(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; or
  - (j) without prejudice to sub-paragraph (c), the condition of the vehicle is such that, in the opinion of the examiner or inspector, 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.”
- (2) After that provision as so renumbered there shall be inserted the following paragraph—
  - “(2) A reference in this Regulation to an examiner shall include a reference to an examiner appointed under section 66A of the Road Traffic Act 1988.”

6.—(1) Regulation 20 shall be amended as follows.

(2) In the sub-paragraphs of paragraph (1) specified in column (1) of the Table below, for the amounts specified in column (2) of that Table there shall be substituted the amounts specified in column (3) of that Table.

TABLE

(1) Sub-paragraph of regulation 20(1)	(2) Existing amount	(3) Substituted amount
Sub-paragraph (a)	11.14	11.52
Sub-paragraph (aa)	18.78	19.42
Sub-paragraph (b)	21.98	22.74
Sub-paragraph (c)	26.10	27.38
Sub-paragraph (d)	33.04	34.18
Sub-paragraph (f)	28.84	29.84

(3) In paragraph (3A)(b), for the words “requirements specified in Schedule 2” there shall be substituted the words “matters” and the following matters shall be added to the list of matters in the appropriate places—

- “anti-lock braking system warning device”;
- “brake pedal anti-slip devices”;
- “body condition where the re-examination of the body is carried out solely for the purposes of ascertaining whether there are any sharp edges or projections likely to cause injury”;
- “fuel filler cap”;
- “seats”; and
- “steering wheel”.

7. The Schedule to these Regulations (minor amendments) shall have effect.

Signed by authority of the Secretary of State for Transport

14th September 1995

*John Watts*  
Minister of State,  
Department of Transport

## THE SCHEDULE

Regulation 7

### MINOR AMENDMENTS

1. In regulation 12(5), the words “or the Secretary of State” shall be omitted and at the end there shall be inserted the words “; and the reference in this paragraph to any examiner shall include a reference to any examiner appointed under section 66A of the Road Traffic Act 1988”.

2.—(1) Regulation 14 shall be amended as follows.

(2) In paragraph (1), the words “or the Secretary of State” shall be omitted.

(3) After paragraph (1), there shall be inserted the following paragraph—

“(1A) Where a motor vehicle has been submitted for an examination to be carried out by an examiner appointed under section 66A of the Road Traffic Act 1988, paragraph (1) shall affect in relation to the examination as if—

(a) the first reference in that paragraph to an examiner or an inspector appointed by a designated council were a reference to an examiner appointed under that section; and

(b) the second reference in that paragraph to an examiner or an inspector appointed by a designated council were a reference to the Secretary of State.”.

(3) In paragraph (4)—

(a) the word “and” immediately following sub-paragraph (a) shall be omitted and, in sub-paragraph (b), the words “or the Secretary of State” in both places where they appear shall be omitted; and

(b) after sub-paragraph (b) there shall be inserted the following—

“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 of the vehicle by an examiner appointed under section 66A of the Road Traffic Act 1988, in the control or care of such an examiner.”.

3. In regulation 15(4)—

(a) in sub-paragraph (b), the words “or the Secretary of State” shall be omitted; and

(b) after sub-paragraph (b), there shall be inserted the following sub-paragraph—

“(c) where the examination is carried out by an examiner appointed under section 66A of the Road Traffic Act 1988, by that examiner.”.

4. In regulation 16—

(a) in paragraph (1), the words “or the Secretary of State” shall be omitted; and

(b) after paragraph (3) there shall be inserted the following paragraph—

“(4) A reference in this Regulation to an examiner shall include a reference to an examiner appointed under section 66A of the Road Traffic Act 1988.”.

5. In regulation 17(2)—

(a) the word “and” immediately following sub-paragraph (a) shall be omitted and, in sub-paragraph (b), the words “or the Secretary of State” in both places where they occur shall be omitted; and

(b) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

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“(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 of the vehicle by an examiner appointed under section 66A of the Road Traffic Act 1988, in the control or care of such an examiner.”.

6. In regulation 18(4), “4(4),” shall be omitted and in sub-paragraph (a) for the words “an inspector appointed by the Secretary of State” there shall be substituted the words “an examiner”.

7. In regulation 20(6), for the words “or the inspector appointed” to “the Secretary of State” there shall be substituted the words “, the inspector appointed by a designated council or the examiner appointed under section 66A of the Road Traffic Act 1988”.

8. In regulation 23(1)(a)(iii), for the words “inspector appointed by the Secretary of State” there shall be substituted the words “examiner appointed under section 66A of the Road Traffic Act 1988”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Motor Vehicles (Tests) Regulations 1981. The 1981 Regulations make provision for certain motor vehicles to be examined by persons authorised by the Secretary of State (“examiners”) and for test certificates to be issued for vehicles that are found to meet certain requirements.

Regulation 9 of the 1981 Regulations is amended so as to give the Secretary of State power to give an examiner notice that a specified person has not attended a course when required to do so by the Secretary of State or has attended such a course when required to do so but did not successfully complete it. On receipt of the notice the examiner is required to arrange that the person no longer carries out or supervises examinations, or signs test certificates.

Regulation 10(5) of the 1981 regulations gives the Secretary of State power to give an examiner notice terminating his authorisation to carry out tests for the purposes of section 45 of the Road Traffic Act 1988. It was previously provided that if the date on which the authorisation was to terminate was less than 28 days from the date of the notice, the notice must state that the Secretary of State considers it necessary that the notice should have early effect. These Regulations extend the 28 day period to 35 days.

Regulation 13 of the 1981 Regulations sets out a list of cases where an examiner is under no obligation to carry out or continue with an examination. The regulation is amended by adding three new cases. They are cases where: the vehicle emits a substantial amount of avoidable smoke; items such as bonnets, tailgates etc. cannot readily be opened; and where an examination cannot be carried out without risk of injury or damage.

Regulation 20 of the 1981 Regulations enables a re-examination to be carried out free of charge after a failure if the re-examination is on the same or the next day, at the same station as the original examination and limited to certain items. The amendments extend the list of items.

Fees payable for test examinations are increased as follows—

- (a) vehicles in Class I (motor bicycles not having a side car attached), from £11.14 to £11.52;
- (b) vehicles in Class II (motor bicycles with a side car attached), from £18.78 to £19.42;

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- (c) vehicles in Class III (“light motor vehicles” other than motor bicycles), from £21.98 to £22.74;
- (d) vehicles in Class IV (“motor cars” and “heavy motor cars” not being vehicles within Classes III, V, VI, or VII), from £26.10 to £27.38;
- (e) vehicles in Class V (“large passenger-carrying vehicles”, particular public service vehicles and “play buses”), from £33.04 to £34.18; and
- (f) vehicles in Class VII (goods vehicles with a design gross weight of more than 3,000 kgs but not more than 3,500 kgs), from £28.84 to £29.84.

The fee payable on an appeal, where a notice of the refusal of a test certificate has been issued, is the same amount as the fee payable under regulation 20(1), while the fee for a duplicate test certificate is one half of this amount. These fees are to be increased accordingly.

Drafting amendments have been made to reflect the amendment to section 45(3) of the Road Traffic Act 1988 made by the Road Traffic Act 1991.

A compliance cost assessment has been prepared and copies can be obtained from the Department of Transport, Zone 2105, Great Minster House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the library of each House of Parliament.