

*This Statutory Instrument has been printed to correct errors in S.I. 2006/1998 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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# 2007 No. 1161

## ROAD TRAFFIC

### The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 2007

<i>Made</i>	- - - -	<i>2nd April 2007</i>
<i>Laid before Parliament</i>		<i>4th April 2007</i>
<i>Coming into force</i>	- -	<i>7th May 2007</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 45 and 46 of the Road Traffic Act 1988(1) and by virtue of the Department of Transport (Fees) Order 1988(2).

In accordance with section 195(2) of that Act he has consulted with such representative organisations as he thinks fit.

#### **Citation and commencement**

1. These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 2007 and shall come into force on 7th May 2007.

#### **Amendments to regulation 20 (fees for examinations)**

2.—(1) Regulation 20 of the Motor Vehicles (Tests) Regulations 1981(3) shall be amended as follows.

(2) For paragraph (3), there shall be substituted—

“(3) Where, on an examination of a vehicle other than a vehicle in Class VI or VIA, it is found that some or all of the prescribed statutory requirements are not complied with or

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(1) 1988 c.52; section 45 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 52 and by the Road Traffic (Vehicle Testing) Act 1999 (c. 12), section 1; section 46 was substituted by the Road Traffic (Vehicle Testing) Act 1999, section 2.

(2) S.I. 1988/643, which was made under the Finance (No. 2) Act 1987 (c. 51), section 102. The relevant amending instrument is S.I. 2003/1094 and the relevant entry in S.I. 1988/643 is Schedule I, Table III, item 1.

(3) S.I. 1981/1694; relevant amending instruments are S.I. 1991/1525, 1992/3160, 1995/2438, 1998/1672, 2001/3330, 2003/1113 and 2006/1998.

where, in the circumstances mentioned in regulation 16, a full examination of the braking system or systems of the vehicle is not carried out then provided that—

- (a) the vehicle is left at the vehicle testing station at which the examination took place so that the defects which have been revealed can be repaired;
- (b) the re-examination is carried out before the expiration of a period of 10 days starting on the day after the day of the initial examination; and
- (c) there has been no change to the authorised examiner at the vehicle testing station between those examinations,

no fee shall be payable in respect of the re-examination carried out there on the completion of those repairs.

(3ZA) Where, on an examination of a vehicle other than a vehicle in Class VI or VIA, it is found that some or all of the prescribed statutory requirements are not complied with or where, in the circumstances mentioned in regulation 16, a full examination of the braking system or systems of the vehicle is not carried out then provided that—

- (a) the vehicle is returned to the vehicle testing station at which the examination took place;
- (c) the re-examination is carried out before the expiration of a period of 10 days starting on the day after the day of the initial examination; and
- (c) there has been no change to the authorised examiner at the vehicle testing station between those examinations,

the fee payable for the re-examination shall be a maximum of one-half of the fee otherwise chargeable.”.

Signed by authority of the Secretary of State

2nd April 2007

*S.J Ladyman*  
Minister of State  
Department for Transport

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## EXPLANATORY NOTE

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

These Regulations amend the Motor Vehicles (Tests) Regulations 1981 (“the 1981 Regulations”). Those Regulations make provisions for certain motor vehicles to be examined by persons authorised by the Secretary of State and for test certificates to be issued for vehicles that are found to meet certain requirements. These certificates are commonly referred to as “MOT Certificates”.

These Regulations correct drafting errors which occurred in the Motor Vehicles (Tests) (Amendment) Regulations 2006 (S.I. 2006/1998).

*Regulation 2(2)* inserts corrected new paragraphs (3) and (3ZA) into regulation 20, which make provision for the procedures for the re-examination of vehicles, other than those in Class VI or VIA, which have failed the MOT test.

Under the new paragraph (3), the re-examination of a vehicle which has failed its MOT test can be undertaken without a charge being made if it remains for repairs at the vehicle testing station at which it failed its MOT test, and so long as the re-examination is carried out before the expiration of 10 working days starting from the day after the day of the original examination and there has been no change to the authorised examiner at the vehicle testing station between the original examination and the re-examination.

New paragraph (3ZA) applies where vehicles do not remain at the vehicle testing station or where examinations do not relate to one or more of the matters set out in paragraph (3A). If the vehicle is returned to the same testing station so that the re-examination can be carried out before the expiration of 10 working days starting from the day after the day of the original examination and there has been no change to the authorised examiner at the vehicle testing station between the original examination and the re-examination the chargeable fee will be a maximum of one-half of the full fee.

A full regulatory impact assessment was prepared in respect of S.I. 2006/1998 and is available from the Department for Transport, 5th floor, Southside, 105 Victoria Street, London SW1E 6DT (telephone number: 020 7944 2455). A copy has been placed in the library of each House of Parliament. That regulatory impact assessment may also be accessed on the OPSI website [www.opsi.gov.uk](http://www.opsi.gov.uk).