

Status: Point in time view as at 01/07/2005.

Changes to legislation: Road Traffic Act 1988, SCHEDULE 2 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 67.

DEFERRED TESTS OF CONDITION OF VEHICLES

- 1 Where the driver is the owner of the vehicle, he may at the time of electing that the test shall be deferred—
- (a) specify a period of seven days within which the deferred test is to take place, being a period falling within the next thirty days, disregarding any day on which the vehicle is outside Great Britain, and
 - (b) require that the deferred test shall take place on premises then specified by him where the test can conveniently be carried out or that it shall take place in such area in England ^{F1} . . . , being a county district or Greater London [^{F2}in such county or county borough in Wales], or such area in Scotland, being [^{F3}the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] , as he may specify at that time.

Textual Amendments

- F1** Words in Sch. 2 para. 1(b) repealed (1.4.1996) by 1994 c. 19, s. 22(1), 66(8), Sch. 7, Pt. II para. 40(2), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, Sch. 2
- F2** Words in Sch. 2 para. 1(b) inserted (1.4.1996) by 1994, c. 19, s. 22(1), Sch. 40(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1
- F3** Words in Sch. 2 para. 1(b) substituted (S.) (1.4.1996) by S.I. 1994, c. 39, s. 180(1), Sch. 13 para. 159(9); S.I. 1996/323, art. 3(b)

- 2 When the driver is not the owner of the vehicle he shall inform the examiner of the name and address of the owner of the vehicle and the owner shall be afforded an opportunity of specifying such a period, and such premises or area.
- 3 (1) Where under the preceding provisions of this Schedule a period has been specified within which the deferred test is to be carried out, the time for carrying it out shall be such time within that period as may be notified, being a time not earlier than two days after the giving of the notification.
- (2) Where no such period has been specified, the time for the carrying out of the deferred test shall be such time as may be notified, being a time not earlier than seven days after the giving of the notification.
- (3) Where premises have been specified under the preceding provisions of this Schedule for the carrying out of the deferred test, and the test can conveniently be carried out on those premises, it must be carried out there.
- (4) Where sub-paragraph (3) above does not apply, the place for carrying out the deferred test shall be such place as may be notified with the notification of the time for the carrying out of the test, and where an area has been so specified the place shall be a place in that area.

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- (5) Notwithstanding the preceding provisions of this paragraph, the time and place for the carrying out of the deferred test may be varied by agreement between an authorised examiner and the owner of the vehicle.
- (6) In this paragraph—
“notified” means notified in writing to the owner of the vehicle on behalf of the Secretary of State, and
“notification” shall be construed accordingly,
and any notification under this paragraph may be given by post.
- 4 The owner of the vehicle must produce it, or secure its production, at the time and place fixed for the carrying out of the deferred test.
- 5 (1) References in this Schedule to the owner of a vehicle are references to the owner of the vehicle at the time at which the election is made under section 67(6) of this Act that the test should be deferred.
- (2) For the purposes of this Schedule—
(a) subject to sub-paragraph (b) below, if at the time at which that election is made the vehicle is in the possession of a person under a hire-purchase agreement or hiring agreement, that person shall be deemed to be the owner of the vehicle to the exclusion of any other person,
(b) if at that time the vehicle is being used under an international circulation permit, the person to whom the permit was issued shall be deemed to be the owner of the vehicle to the exclusion of any other person.

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