
STATUTORY INSTRUMENTS

1981 No. 1694

The Motor Vehicles (Tests) Regulations 1981

PART I
GENERAL

Commencement and citation

1. These Regulations shall come into operation on 31st December 1981 and may be cited as the Motor Vehicles (Tests) Regulations 1981.

Revocation

2. The Regulations specified in Schedule 4 are hereby revoked.

Interpretation

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“the 1972 Act” means the Road Traffic Act 1972;

“the 1981 Act” means the Public Passenger Vehicles Act 1981;

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations 1978(1);

“the Lighting Regulations” means the Road Vehicles Lighting Regulations 1971(2);

“articulated bus”, “articulated vehicle”, “dual-purpose vehicle”, “pedestrian controlled vehicle”, “track laying” and “works truck” have the meanings given by Regulation 3(1) of the Construction and Use Regulations;

“authorisation” means any authorisation in writing by the Secretary of State of an individual, persons in partnership, or a company to carry out examinations of such classes of motor vehicles as may be specified therein;

“company” means a body corporate;

“designated council” means any council designated by the Secretary of State for the purposes of section 43 being the council of a county, of a district or London Borough or (in Scotland) of a region or of an islands area, or the Greater London Council or the Common Council of the City of London;

“examination” means an examination of a motor vehicle for the purposes of section 43;

(1) As amended by S.I. 1978/233, 1235, 1263 and 1317, 1979/843, 1062, 1980/140, 139, 287, 610, 880, 1166 and 1789 and 1981/261, 697, 915, 1189.

(2) As amended by S.I. 1973/1006, 1975/239, 245 and 1494, 1977/1560, 1978/1261, 1262, 1979/803, 1980/116 and 1855 and 1981/1042.

“examiner” means an individual, persons in partnership, or a company authorised by the Secretary of State in accordance with these Regulations to carry out examinations;

“firm” has the meaning given by section 4 of the Partnership Act 1890;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, including a living van but excluding—

- (i) a dual-purpose vehicle and
- (ii) a motor caravan.

“goods vehicle testing station” means a station at which a goods vehicle test (as defined in section 45(2)) may be carried out;

“large passenger-carrying vehicle” means a motor vehicle which is constructed or adapted to carry more than twelve seated passengers in addition to the driver, and which is not a public service vehicle;

“light motor bicycle” means a motor bicycle of which the cylinder capacity of the engine does not exceed 200 cubic centimetres;

“light motor vehicle” means a motor vehicle with three or more wheels the unladen weight of which does not exceed 450 kilograms;

“living van” means a vehicle, whether mechanically propelled or not, which is used as living accommodation by one or more persons, and which is also used for the carriage of goods or burden which are not needed by such one or more persons for the purpose of their residence in the vehicle;

“Ministry Inspector” means any certifying officer or public service vehicle examiner appointed under section 56(1) and any examiner appointed under section 7 of the 1981 Act;

“motor bicycle” means a two wheeled motor cycle, whether having a sidecar attached to it or not;

“motor caravan” means a motor vehicle (not being a living van) which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

“normal working week” means—

- (a) in relation to an examiner, the times of the week which in the application of that examiner to the Secretary of State for an authorisation are specified as the times of the week during which that examiner will accept vehicles for examination or such other times of the week as may subsequently be substituted for times so specified by the examiner with the consent of the Secretary of State;
- (b) in relation to a designated council, the times of the week notified to the Secretary of State by that council as the times of the week during which they will accept vehicles for examination; and
- (c) in relation to the Secretary of State, the times of the week during which at any vehicle testing station of the Secretary of State he will accept vehicles for examination;

“public service vehicle” has the meaning given by section 1(1)(a) of the 1981 Act;

“the prescribed statutory requirements” has the meaning given by Regulation 4(2);

“serial number”, in relation to a vehicle the chassis of which has not been constructed separately from its superstructure, means the number given to, and for the purpose of identifying, the vehicle by its manufacturer;

“traffic area” means a traffic area constituted as mentioned in section 80(1) of the 1981 Act and “office” in relation to such an area means any office provided for the use of the traffic commissioners for that area; and

“vehicle testing station” means premises at which the Secretary of State has authorised an examiner to carry out examinations or premises provided by a designated council or the Secretary of State for carrying out examinations.

- (2) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered section is a reference to the section bearing that number in the 1972 Act;
 - (b) a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations, and
 - (c) a numbered paragraph is a reference to the paragraph bearing that number in the Regulations in which the reference appears.

(3) For the purposes of these Regulations the unladen weight of a vehicle shall be computed in accordance with Schedule 6 to the Vehicles (Excise) Act 1971.

(4) In calculating for the purposes of the definition of “large passenger carrying vehicle” the number of seated passengers which the vehicle is constructed or adapted to carry a length of at least 400 millimetres measured horizontally along the front of each seat shall be allowed for the accommodation of each such passenger. Where a continuous seat is fitted with arms for the purpose of separating the seating spaces and the arms are so constructed that they can be folded back or otherwise put out of use, the seat shall be measured for the purposes of this paragraph as though it were not fitted with arms.

(5) For the purposes of these Regulations the provisions of Regulation 3(2) of the Construction and Use Regulations shall apply for determining when a motor vehicle is first used.

The prescribed statutory requirements

4.—(1) In these Regulations the expressions used in an item in column (2)(a) of the Table in Schedule 2 mean the requirements specified in the same item in column (2)(b) of that Table.

- (2) The prescribed statutory requirements for the purposes of section 44(1) are—
- (a) in relation to any vehicle in Class I to V, those of the requirements which are referred to in paragraph (1) and specified in items 1 to 11 of Schedule 2 and which are applicable to the vehicle, and
 - (b) in relation to any vehicle in Class VI, those of the requirements which are referred to in paragraph (1) and specified in items 1 to 12 of Schedule 2 and which are applicable to the vehicle

and in these Regulations those requirements are referred to as “the prescribed statutory requirements”.

(3) Subject to the provisions of these Regulations, every vehicle to which these Regulations apply and which is submitted for examination in accordance with the provisions of these Regulations shall be examined for the purpose of ascertaining whether those of the prescribed statutory requirements which are applicable to the vehicle have been complied with at the date of the examination.

(4) An examination of a vehicle, or vehicle parts, for the purpose of ascertaining whether the requirements specified in an item in column (2) of the Table in Schedule 2 are satisfied shall be conducted as mentioned in Schedule 3.

Classification of Vehicles and Application of Regulations

5.—(1) For the purposes of these Regulations motor vehicles to which they apply are classified as follows:—

Class I:	Light motor bicycles
Class II:	Motor bicycles other than light motor vehicles
Class III:	Light motor vehicles
Class IV:	Motor cars and heavy motor cars not being vehicles within Classes III, V or VI
Class V:	Large passenger-carrying vehicles and public service vehicles of a type specified in paragraph (3)
Class VI:	Public service vehicles other than those of a type specified in paragraph (3)

and (except where otherwise provided in these Regulations) any reference in these Regulations to a class of vehicles shall be construed accordingly.

(2) Save as provided in Regulation 6, these Regulations apply to every vehicle of a class specified in paragraph (1).

(3) The public service vehicles mentioned in paragraph (1) as included in Class V are public service vehicles in respect of which no certificate of initial fitness has been issued and which are lawfully in use without one by virtue of—

- (a) section 45 of the 1981 Act (a bus being used to provide a community bus service), or
- (b) section 46 of the 1981 Act (a school bus belonging to a local education authority and being used to provide free school transport and carrying as fare-paying passengers persons other than those for whom the free school transport is provided, and a school bus being used, when it is not being used to provide free school transport, to provide a local bus service).

Exemptions

6.—(1) Pursuant to section 44(4) the Secretary of State hereby prescribes the following vehicles as those to which section 44 does not apply:—

- (i) a heavy locomotive,
- (ii) a light locomotive,
- (iii) a motor tractor,
- (iv) a track laying vehicle,
- (v) a goods vehicle, the unladen weight of which exceeds 1525 kilograms,
- (vi) an articulated vehicle not being an articulated bus,
- (vii) a vehicle exempt from duty under section 7(1) of the Vehicles (Excise) Act 1971,
- (viii) a works truck,
- (ix) a pedestrian controlled vehicle,
- (x) a vehicle (including a cycle with an attachment for propelling it by mechanical power) which is adapted, and used or kept on a road, for invalids, and which—
 - (i) does not exceed 306 kilograms in weight unladen, or
 - (ii) exceeds 306 kilograms but does not exceed 510 kilograms in weight unladen, and are supplied and maintained by or on behalf of the Department of Health and Social Security, the Scottish Office or the Welsh Office;

- (xi) a vehicle temporarily in Great Britain displaying a registration mark mentioned in Regulation 5 of the Motor Vehicles (International Circulation) Regulations 1971, a period of twelve months not having elapsed since the vehicle was last brought into Great Britain;
 - (xii) a vehicle proceeding to a port for export;
 - (xiii) a vehicle in the service of a visiting force or of a headquarters (within the meaning given by Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965).
 - (xiv) a vehicle provided for police purposes and maintained in workshops approved by the Secretary of State as suitable for such maintenance, being a vehicle provided in England and Wales by a police authority or the Receiver for the Metropolitan Police District, or, in Scotland, by a police authority or a joint police committee;
 - (xv) a vehicle which has been imported into Great Britain and to which section 44(2)(b) applies, being a vehicle owned by or in the service of the naval, military or air forces of Her Majesty raised in the United Kingdom and used for naval, military or air force purposes;
 - (xvi) a vehicle in respect of which a test certificate issued in accordance with Article 34 of the Road Traffic (Northern Ireland) Order 1981 is in force or which are licensed under the Vehicles (Excise) Act (Northern Ireland) 1972;
 - (xvii) an electrically propelled goods vehicle the unladen weight of which does not exceed 1525 kilograms; and
 - (xviii) subject to the provisions of paragraph (4), a hackney carriage or a cab in respect of which there is in force a licence under—
 - (a) section 6 of the Metropolitan Public Carriage Act 1869, or
 - (b) the Town Police Clauses Act 1847, the Burgh Police (Scotland) Act 1892 or any similar local statutory provision,to ply for hire;
 - (xix) subject to the provisions of paragraph (4), a private hire car in respect of which there is in force a licence granted by a local authority, or, in Scotland, by a local authority or a police authority.
- (2) Pursuant to section 44(6) the Secretary of State hereby exempts from section 44(1) the use of a vehicle—
- (a) (i) for the purpose of submitting it by previous arrangement for, or bringing it away from, an examination, or
 - (ii) in the course of an examination, for the purpose of taking it to, or bringing it away from, any place where a part of the examination is to be or, as the case may be, has been, carried out, or of carrying out any part of the examination, the person so using it being either—
 - (A) an examiner, or a Ministry Inspector or an inspector appointed by a designated council, or
 - (B) a person acting under the personal direction of an examiner, a Ministry Inspector or a designated Council, or
 - (iii) where a test certificate is refused on an examination—
 - (A) for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy for a further examination the defects on the ground of which the test certificate was refused; or
 - (B) for the purpose of delivering it, by towing it, to a place where the vehicle is to be broken up;

- (b) for any purpose for which the vehicle is authorised to be used on roads by an order under section 42;
- (c) where the vehicle has been imported into Great Britain, for the purpose of its being driven after arrival in Great Britain on the journey from the place where it has arrived in Great Britain to a place of residence of the owner or driver of the vehicle;
- (d) for the purpose of removing it in pursuance of section 3 of the Refuse Disposal (Amenity) Act 1978, of moving or removing it in pursuance of regulations under section 20 of the Road Traffic Regulation Act 1967 as altered by the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967, or of removing it from a parking place in pursuance of an order under section 31(1) of the Road Traffic Regulation Act 1967, an order relating to a parking place designated under section 35 thereof, or a provision of a designation order having effect by virtue of section 39(2) thereof;
- (e) where the vehicle has been detained or seized by a police constable, for police purposes connected with such detention or seizure;
- (f) where the vehicle has been removed, detained or seized or condemned as forfeited under any provision of the Customs and Excise Management Act 1979 for any purpose authorised by an officer of Customs and Excise;
- (g) for the purpose of testing it by a motor trader as defined in section 16(8) of the Vehicles (Excise) Act 1971, to whom a trade licence has been issued under that section, during the course of, or after completion of repairs carried out to that vehicle by that motor trader.

(3) Pursuant to section 44(7) the Secretary of State hereby exempts from section 44(1) the use of a vehicle on any island in any area mainly surrounded by water, being an island or area from which motor vehicles, unless constructed for special purposes can at no time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicle:

Provided that this Regulation does not apply to any of the following islands, namely, the Isle of Wight, the islands of Arran, Bute, Great Cumbrae, Islay, Lewis, Mainland (Orkney), Mainland (Shetland), Mull, North Uist and Skye.

(4) The exemptions specified in paragraph (1)(xviii) and (xix) do not obtain unless the authority which issued the licence holds a certificate issued by the Secretary of State evidencing that he is satisfied that the issue of the licence is subject to the vehicle first passing an annual test relating to the prescribed statutory requirements; and, as from 1st January 1983,

- (a) in the case of a vehicle of a kind mentioned in paragraph (1)(xviii) first used more than one year before the licence there mentioned was issued, or
- (b) in the case of a vehicle of a kind mentioned in paragraph (1)(xix) first used more than three years before the licence there mentioned was issued

the authority which issued the licence also issued to the licensee a certificate recording that on the date on which the certificate was issued that authority was, as a result of a test, satisfied that the prescribed statutory requirements were satisfied.

(5) In this Regulation—

“private hire car” means a motor vehicle which is not a vehicle licensed to ply for hire under the provisions of the Metropolitan Public Carriage Act 1869, Town Police Clauses Act 1847, the Burgh Police (Scotland) Act 1892 or any similar local statutory provision with respect to hackney carriages but which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed to ply for hire under the said provisions; and

“test” means an examination of a vehicle in relation to the prescribed statutory requirements conducted—

- (i) by a person authorised as an examiner or appointed as an inspector under section 43 or acting on behalf of a person so authorised, or
- (ii) by a person on behalf of a police authority in England or Wales, or
- (iii) by a person on behalf of a police authority or a joint police committee in Scotland.