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## STATUTORY INSTRUMENTS

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# 1981 No. 1694

## The Motor Vehicles (Tests) Regulations 1981

### PART I GENERAL

#### 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;

[<sup>F1</sup>“the 1988 Act” means the Road Traffic Act 1988;]

[<sup>F2</sup>“the Construction and Use Regulations” means the Road Vehicles (Construction and Use) Regulations 1986];

[<sup>F3</sup>the Lighting Regulations” means “the Road Vehicles Lighting Regulations 1989];

[<sup>F4</sup>“agricultural motor vehicle”, “articulated bus”, “articulated vehicle”, “dual-purpose vehicle”, [<sup>F5</sup>“exhaust system”,][<sup>F6</sup>“minibus”, [<sup>F7</sup>“Ministry plate”,] “pedestrian controlled vehicle”, “track laying” and “works truck” have the meanings given by [<sup>F8</sup>regulation 3(2)] 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;

[<sup>F9</sup>“child restraint”, “disabled person’s belt”, “forward-facing seat” and “seat belt” have the meanings given by regulation 47(8) of the Construction and Use Regulations;]

[<sup>F10</sup>“communication” includes a communication comprising sounds or images or both and a communication effecting a payment;]

[<sup>F11</sup>“Community Recording Equipment Regulation” has the meaning given in section 85 of the Road Traffic Act 1988;]

“company” means a body corporate;

[<sup>F12</sup>“design gross weight” means—

- (a) in the case of a vehicle equipped with a Ministry plate, the weight shown thereon as the design weight, or, if no weight is so shown thereon, the weight shown thereon as the weight not to be exceeded in Great Britain;
- (b) in the case of a vehicle which is not equipped with a Ministry plate, but which is equipped with a plate in accordance with regulation 66 of the Construction and Use Regulations, the maximum gross weight shown on the plate in respect of item 7 of Part I of Schedule 8 to those Regulations; and

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(c) in any other case, the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;]

[<sup>F13</sup>“designated council” means a council designated by the Secretary of State for the purposes of sections 45 (tests of satisfactory condition of vehicles) and 46 (particular aspects of regulations under section 45) of the 1988 Act;]

[<sup>F10</sup>“electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of a telecommunications system (within the meaning of the Telecommunications Act 1984); or

(b) by other means but while in an electronic form;]

[<sup>F14</sup>“examination” means an examination of a motor vehicle for the purposes of section 45 of the 1988 Act];

“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) [<sup>F15</sup>a dual-purpose vehicle,

(ii) a motor caravan, and

(iii) a play bus,]

[<sup>F16</sup>“goods vehicle testing station” means a station provided by the Secretary of State under section 52(2) of the Road Traffic Act 1988;]

[<sup>F10</sup>“inspector” means a person appointed by a designated council for the purposes of sections 45 and 46 of the 1988 Act;]

“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 <sup>F17</sup>... 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—

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- (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;

[<sup>F18</sup>“out of hours” means at any time either—

- (a) on any day which is a Saturday, Sunday, Good Friday, Christmas Day or a Bank holiday (as defined in the Banking and Financial Dealings Act 1971); or
- (b) on any other day, other than between—
  - (i) 8.00 am and 5.00 pm on a Monday to Thursday inclusive, or
  - (ii) 8.00 am and 4.30 pm on a Friday;]

[<sup>F19</sup>“play bus” means a motor vehicle which was originally constructed to carry more than 12 passengers but which has been adapted primarily for the carriage of playthings for children (including articles required in connection with the use of those things);]

[<sup>F10</sup>“proper officer”, in relation to a designated council in England or Wales, has the meaning given by section 270(3) of the Local Government Act 1972;]

“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);

[<sup>F10</sup>“section 66A examiner” means an examiner appointed under section 66A (appointment of vehicle examiners) of the 1988 Act;]

“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;

[<sup>F10</sup>“the records” means the records of the results of examinations for the purposes of section 45 of the 1988 Act maintained by the Secretary of State (or caused by him to be maintained); and “the electronic record” means such of those records as is maintained in electronic form;]

<sup>F20</sup> ...

[<sup>F21</sup>“vehicle testing station” means premises at which the Secretary of State has authorised an examiner to carry out examinations, premises provided by a designated council or the Secretary of State for carrying out examinations, or premises for the time being designated by the Secretary of State under section 8(3) of the 1981 Act]; and

[<sup>F10</sup>“VOSA” means the Vehicle and Operator Services Agency].

- (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.

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(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 [F22Regulation 3(3)] of the Construction and Use Regulations shall apply for determining when a motor vehicle is first used.

[F23(6) References in these Regulations to the making, by electronic communication, of entries in the electronic record include references to causing entries to be made in that record (either by electronic communication or by other means notified by the Secretary of State).]

#### Textual Amendments

- F1** Words in reg. 3(1) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **3(1)(a)** (with reg. 1(3))
- F2** Words in reg. 3(1) substituted (18.3.1991) by The Motor Vehicles (Tests) (Amendment) (No. 1) Regulations 1991 (S.I. 1991/253), regs. 1(b), **3(a)(i)**
- F3** Words in reg. 3(1) substituted (18.3.1991) by The Motor Vehicles (Tests) (Amendment) (No. 1) Regulations 1991 (S.I. 1991/253), regs. 1(b), **3(a)(ii)**
- F4** Words in reg. 3(1) inserted (1.3.1985) by The Motor Vehicles (Tests) (Amendment) Regulations 1985 (S.I. 1985/45), regs. 1, **3**
- F5** Words in reg. 3(1) inserted (26.6.2000) by The Motor Vehicles (Tests) (Amendment) Regulations 2000 (S.I. 2000/1432), regs. 1, **3**
- F6** Word in reg. 3(1) inserted (1.8.1998) by The Motor Vehicles (Tests) (Amendment) Regulations 1998 (S.I. 1998/1672), regs. 1, **3(a)(i)**
- F7** Words in reg. 3(1) inserted (18.3.1991) by The Motor Vehicles (Tests) (Amendment) (No. 1) Regulations 1991 (S.I. 1991/253), regs. 1(b), **3(a)(iii)**
- F8** Words in reg. 3(1) substituted (1.8.1998) by The Motor Vehicles (Tests) (Amendment) Regulations 1998 (S.I. 1998/1672), regs. 1, **3(a)(ii)**
- F9** Words in reg. 3(1) inserted (1.8.1998) by The Motor Vehicles (Tests) (Amendment) Regulations 1998 (S.I. 1998/1672), regs. 1, **3(b)**
- F10** Words in reg. 3(1) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **3(1)(e)** (with reg. 1(3))
- F11** Words in reg. 3(1) inserted (1.8.1991) by The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(b), **3**
- F12** Words in reg. 3(1) inserted (18.3.1991) by The Motor Vehicles (Tests) (Amendment) (No. 1) Regulations 1991 (S.I. 1991/253), regs. 1(b), **3(a)(iv)**
- F13** Words in reg. 3(1) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **3(1)(b)** (with reg. 1(3))
- F14** Words in reg. 3(1) substituted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **3(1)(c)** (with reg. 1(3))
- F15** Words in reg. 3(1) substituted (1.11.1983) by The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1983 (S.I. 1983/1434), regs. 1, **3**
- F16** Words in reg. 3(1) substituted (3.3.1997) by The Motor Vehicles (Tests) (Amendment) Regulations 1997 (S.I. 1997/81), regs. 1, **3(2)**
- F17** Words in reg. 3(1) omitted (1.11.1991) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(a), **8**

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- F18** Words in reg. 3(1) inserted (3.3.1997) by The Motor Vehicles (Tests) (Amendment) Regulations 1997 (S.I. 1997/81), regs. 1, **3(4)**
- F19** Words in reg. 3(1) inserted (1.12.1982) by The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1982 (S.I. 1982/1477), regs. 1, **3**
- F20** Words in reg. 3(1) omitted (1.6.2003) by virtue of The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **3(1)(d)** (with reg. 1(3))
- F21** Words in reg. 3(1) substituted (3.3.1997) by The Motor Vehicles (Tests) (Amendment) Regulations 1997 (S.I. 1997/81), regs. 1, **3(3)**
- F22** Words in reg. 3(5) substituted (18.3.1991) by The Motor Vehicles (Tests) (Amendment) (No. 1) Regulations 1991 (S.I. 1991/253), regs. 1(b), **3(b)**
- F23** Reg. 3(6) inserted (1.6.2003) by The Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113), regs. 1(1), **3(2)** (with reg. 1(3))

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**Commencement Information**

- I1** Reg. 3 in force at 31.12.1981, see reg. 1

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**Changes and effects yet to be applied to :**

- reg. 3(1) words inserted by [S.I. 2003/1698 reg. 3](#)
- reg. 3(1) words inserted by [S.I. 2014/480 reg. 3\(2\)\(b\)](#)
- reg. 3(1) words inserted by [S.I. 2017/850 reg. 3](#)
- reg. 3(1) words inserted by [S.I. 2019/453 reg. 24\(2\)\(b\)](#)
- reg. 3(1) words omitted by [S.I. 2014/480 reg. 3\(2\)\(a\)](#)
- reg. 3(1) words omitted by [S.I. 2019/453 reg. 24\(2\)\(a\)](#)
- reg. 3(1) words substituted by [S.I. 2010/449 reg. 3](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

**Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):**

- Sch. 2 para. 1(c) inserted by [S.I. 2003/1698 reg. 9\(3\)](#)
- Sch. 2 para. 3(b) item 27A inserted by [S.I. 2007/506 reg. 4\(2\)\(b\)](#)
- Sch. 2 para. 2(e) inserted by [S.I. 2013/271 reg. 12\(1\)](#)
- Sch. 2 para. 4(b) item 32 omitted by [S.I. 2007/506 reg. 4\(3\)\(b\)](#)
- Sch. 2 para. 5(e) omitted by [S.I. 2017/850 reg. 15\(b\)](#)
- Sch. 2 para. 2(d) substituted by [S.I. 2003/1698 reg. 9\(4\)](#)
- Sch. 2 para. 5(a) word inserted by [S.I. 2013/271 reg. 12\(5\)](#)
- Sch. 2 para. 5A(a) word inserted by [S.I. 2013/271 reg. 12\(6\)](#)
- Sch. 2 para. 3(b) word substituted by [S.I. 2007/506 reg. 4\(2\)\(a\)](#)
- Sch. 2 para. 3A(a) word substituted by [S.I. 2013/271 reg. 12\(3\)](#)
- Sch. 2 para. 4(a) words inserted by [S.I. 2007/506 reg. 4\(3\)\(a\)](#)
- Sch. 2 para. 4A words inserted by [S.I. 2007/506 reg. 4\(4\)](#)
- Sch. 2 para. 3(b) table words inserted by [S.I. 2013/271 reg. 12\(2\)](#)
- Sch. 2 para. 4(a) words substituted by [S.I. 2007/506 reg. 4\(3\)\(a\)](#)
- Sch. 2 para. 4A words substituted by [S.I. 2007/506 reg. 4\(4\)](#)
- Sch. 2 para. 1(c) item 13A words substituted by [S.I. 2009/643 reg. 5\(2\)](#)
- Sch. 2 para. 2(b) item 22 words substituted by [S.I. 2009/643 reg. 5\(3\)](#)
- Sch. 2 para. 2(d) item 27 words substituted by [S.I. 2009/643 reg. 5\(4\)](#)
- Sch. 2 para. 4(a) words substituted by [S.I. 2013/271 reg. 12\(4\)](#)
- Sch. 2 para. 3(a) words substituted by [S.I. 2017/850 reg. 11\(a\)](#)
- Sch. 2 para. 3A(a) words substituted by [S.I. 2017/850 reg. 12](#)
- Sch. 2 para. 4(a) words substituted by [S.I. 2017/850 reg. 13\(a\)](#)
- Sch. 2 para. 4A words substituted by [S.I. 2017/850 reg. 14](#)
- Sch. 2 para. 5(a) words substituted by [S.I. 2017/850 reg. 15\(a\)](#)
- Sch. 2 para. 5A(a) words substituted by [S.I. 2017/850 reg. 16](#)
- Sch. 2 para. 5(f) words substituted by [S.I. 2019/453 reg. 24\(3\)\(c\)](#)
- Sch. 2 para. 5A(c) words substituted by [S.I. 2019/453 reg. 24\(3\)\(d\)](#)
- reg. 5(6) inserted by [S.I. 2017/850 reg. 4\(b\)](#)
- reg. 5(6)(b) words substituted by [S.I. 2020/818 Sch. 6 para. 8\(2\)](#)
- reg. 6(1)(xxi)(b) substituted by [S.I. 2017/850 reg. 5\(a\)](#)
- reg. 6(1)(xivA) inserted by [S.I. 2006/594 Sch. para. 6](#)

- reg. 6(1)(xxvi) and word inserted by S.I. 2012/2652 reg. 3(3)
- reg. 6(1)(xxvii)(xxviii) inserted by S.I. 2017/850 reg. 5(d)
- reg. 6(1)(xxix) inserted by S.I. 2020/382 reg. 2(2)
- reg. 6(1)(xxix) revoked by S.I. 2020/382 reg. 3
- reg. 6(1)(xxvi) substituted by S.I. 2017/850 reg. 5(c)
- reg. 6(1B) inserted by S.I. 2020/382 reg. 2(3)
- reg. 6(1B) revoked by S.I. 2020/382 reg. 3
- reg. 6(1B)(a) words substituted by S.I. 2020/790 reg. 2
- reg. 6(3)(b) words substituted by S.I. 2017/850 reg. 6
- reg. 7A(2) word substituted by S.I. 2014/480 reg. 3(4)
- reg. 8A(a)(ii) word substituted by S.I. 2014/480 reg. 3(5)
- reg. 8B(c) word substituted by S.I. 2014/480 reg. 3(6)
- reg. 8C(b) word substituted by S.I. 2014/480 reg. 3(7)
- reg. 8C(c) word substituted by S.I. 2014/480 reg. 3(7)
- reg. 8D(a)(ii) word substituted by S.I. 2014/480 reg. 3(8)
- reg. 8D(b) word substituted by S.I. 2014/480 reg. 3(8)
- reg. 8E(c) word substituted by S.I. 2014/480 reg. 3(9)
- reg. 13(1)(m) words substituted by S.I. 2019/453 reg. 24(3)(a)
- reg. 20(1)(c)(i) sum substituted by S.I. 2004/1632 reg. 2(2) Table
- reg. 20(1)(c)(i) sum substituted by S.I. 2005/1832 reg. 3(2) Table
- reg. 20(1)(c)(i) sum substituted by S.I. 2006/2680 reg. 3(2) Table
- reg. 20(1)(c)(i) sum substituted by S.I. 2008/1402 reg. 3(2) Table
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- reg. 20(1)(e)(ea) substituted by S.I. 2012/307 reg. 3(2)
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- reg. 20(3)(3ZA) substituted for reg. 20(3) by S.I. 2006/1998 reg. 2(2)
- reg. 20(3B)(3C) substituted by S.I. 2006/1998 reg. 2(6)
- reg. 20(4)(i) words omitted by S.I. 2010/449 reg. 4(6)(a)
- reg. 20(4)(ii) words omitted by S.I. 2010/449 reg. 4(6)(a)
- reg. 23(1)(c) word substituted by S.I. 2014/480 reg. 3(11)
- reg. 23(3)(b) substituted by S.I. 2005/1832 reg. 4
- reg. 25A(3A)(3B) inserted by S.I. 2003/1698 reg. 8(2)
- reg. 31 inserted by S.I. 2013/271 reg. 13
- reg. 31(2) words substituted by S.I. 2017/850 reg. 8