
STATUTORY INSTRUMENTS

1981 No. 1694

The Motor Vehicles (Tests) Regulations 1981

PART I
GENERAL

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.