

---

STATUTORY INSTRUMENTS

---

**2001 No. 25**

**The Motor Vehicles (Approval) Regulations 2001**

**PART III**

**MISCELLANEOUS**

**Refusal of application or appeal without an examination or a complete examination**

**10.—(1)** In this regulation—

“appeal” means an appeal under section 60 of the 1988 Act in respect of the determination of an application;

“application” means an application under regulation 6 for the issue of a Minister’s approval certificate under section 58(1) of the 1988 Act;

“examination” means an examination for the purposes of an application or appeal; and

“examiner”, in relation to an examination, means the person appointed by the Secretary of State to conduct the examination.

(2) The Secretary of State may refuse an application or appeal even though an examination has not been carried out if—

- (a) the vehicle is not submitted for examination at the time and place fixed under these Regulations for the examination;
- (b) the fee in respect of the examination is not paid at or before the time fixed under these Regulations for the examination;
- (c) the examiner is not able, with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out, to complete the examination without the vehicle being driven or the engine run and the vehicle is not when submitted for examination, either for want of fuel or oil or for any other reason, fit to be driven or for the engine to be run to such extent as may be necessary for the purposes of carrying out the examination;
- (d) when the vehicle is submitted for the examination, the vehicle or any item which forms part of the vehicle or its equipment is so dirty or dangerous as to make it unreasonable for the examination to be carried out;
- (e) any things which are on the vehicle when it is submitted for the examination, and are not part of its equipment or accessories, are required by the examiner to be removed from the vehicle or to be secured in such a manner as he may think necessary and those things are not removed or secured accordingly;
- (f) when the vehicle is submitted for the examination, a proper examination cannot be carried out as a consequence of any door, tailgate, boot lid, engine cover, fuel cap or other device designed to be capable of being readily opened, being locked or otherwise fixed so that it cannot readily be opened;
- (g) when the vehicle is submitted for the examination, its condition is such that, in the opinion of the examiner, a proper examination of the vehicle would involve a danger of—

- (i) injury to any person, or
  - (ii) damage to the vehicle or any other property;
- (h) when the vehicle is submitted for the examination, there is not permanently fixed to the chassis or main structure of the vehicle in a conspicuous and easily accessible position so as to readily legible, a vehicle identification number which—
- (i) complies with paragraph 3.1.1 of Annex to Directive [76/114/EEC](#) or that Directive as last amended by Directive [78/507/EEC](#);
  - (ii) has been assigned to the vehicle under regulation 7(1); or
  - (iii) does not fall within sub-paragraph (i) or (ii), but appears to the Secretary of State to be adequate for the purpose of enabling the vehicle to be identified; or
- (i) the person who is the driver of the vehicle at the time it is submitted for the examination is requested to remain in it or its vicinity throughout the examination, to drive it, to operate its controls or to remove or refit its panels and he declines to do so.
- (3) Nothing in this regulation shall affect any power of the Secretary of State to refuse an application or to reject an appeal otherwise than under this regulation.