
STATUTORY INSTRUMENTS

2003 No. 1113

The Motor Vehicles (Tests) (Amendment) Regulations 2003

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) Regulations 2003 and shall come into force on 1st June 2003.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Tests) Regulations 1981⁽¹⁾.

(3) Subject to regulations 24 and 25, these Regulations apply in relation to, and for purposes connected with, examinations of motor vehicles under Parts III and IV of the principal Regulations carried out on or after 1st June 2003.

Amendment of Regulations

2. The principal Regulations shall be further amended in accordance with regulations 3 to 23 and 26 of these Regulations.

Interpretation

3.—(1) In regulation 3(1)—

(a) after the definition of “the 1981 Act” insert the following definition—

““the 1988 Act” means the Road Traffic Act 1988;”;

(b) for the definition of “designated council”, substitute the following definition—

““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;”⁽²⁾

(c) for the definition of “examination”, substitute the following definition—

““examination” means an examination of a motor vehicle for the purposes of section 45 of the 1988 Act”;

(d) omit the definition of “traffic area” (and of “office” in relation to a traffic area); and

(e) insert, at the appropriate places, the following definitions—

““communication” includes a communication comprising sounds or images or both and a communication effecting a payment;”;

““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

(1) S.I.1981/1694. Relevant amending instruments are S.I. 1995/2438, 1998/1672 and 2000/1432.

(2) See also section 45(3)(c)(i), substituted by the Road Vehicles (Testing) Act 1999, section 1(1)(b).

(b) by other means but while in an electronic form;”(3);

““inspector” means a person appointed by a designated council for the purposes of sections 45 and 46 of the 1988 Act;”;

““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;”(4);

““section 66A examiner” means an examiner appointed under section 66A (appointment of vehicle examiners) of the 1988 Act;”;

““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;” and

““VOSA” means the Vehicle and Operator Services Agency”.

(2) After paragraph (5), insert the following paragraph—

“(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).”.

Exemptions

4. In regulation 6 (exemptions)—

(a) in paragraph (1)(xix), after “granted by a local authority” insert “or Transport for London(5)”; and

(b) In paragraph (4)—

(i) after “issued the licence” (in the first place where those words appear), insert “(“the licensing authority”)”; and

(ii) for “the authority which issued the licence” (in the second place where those words appear), substitute “the licensing authority”.

Approvals, authorisations and designations for the purposes of examinations

5. For Part II (regulations 7 to 11), substitute Part II set out in the Schedule to these Regulations.

Applications for examinations

6. In regulation 12 (applications for examinations)(6)—

(a) in paragraph (2), in the entry in column (2) of the Table relevant to item 1, after “An”, insert “authorised”;

(b) in paragraph (3)—

(i) after “Regulations”, insert “authorised”;

(ii) in sub-paragraphs (a) and (b), omit “by the examiner or, as the case may be, the designated council”; and

(iii) in sub-paragraphs (a) and (b), omit “by the examiner or, as the case may be, the designated council”; and

(3) 1984 c. 12. See the definition in section 106(1), and section 4(1) and (2).

(4) 1972 c. 70.

(5) Transport for London was established by section 154 of the Greater London Authority Act 1999 (c. 29).

(6) Relevant amendments are made by S.I. 1995/2438 and 1998/1672.

- (c) in paragraph (4), before “examiner” (in both places), insert “authorised”;
- (d) in paragraph (5)—
 - (i) for the words from the beginning to “council”, substitute “Any authorised examiner, inspector, nominated tester or section 66A examiner”; and
 - (ii) omit the words from “; and the reference” to the end; and
- (e) in paragraph (6)—
 - (i) for “examiner”, in the first place where that word appears, substitute “authorised examiner or a nominated tester”;
 - (ii) omit “appointed by such a council”; and
 - (iii) for “inspectors appointed by that council”, substitute “their inspectors”.

Requirements as to vehicles submitted for examinations

- 7. In regulation 13 (requirements as to vehicles submitted for examinations)(7)—
 - (a) in paragraph (1) for the words from the beginning to “council”, substitute “An authorised examiner, a section 66A examiner, a nominated tester and an inspector”;
 - (b) in sub-paragraph (a) of that paragraph, after “the examiner, inspector”, insert “or nominated tester, as the case may be”;
 - (c) in sub-paragraph (c) of that paragraph, after “inspector”, insert “or nominated tester, as the case may be”;
 - (d) in sub-paragraph (d) of that paragraph, after “the examiner or inspector”, insert “or nominated tester, as the case may be”;
 - (e) in sub-paragraph (e) of that paragraph, after “the examiner, or inspector”, insert “or nominated tester, as the case may be”;
 - (f) in sub-paragraph (j) of that paragraph—
 - (i) after “the examiner or inspector”, insert “or nominated tester, as the case may be”;
 - and
 - (ii) omit the word “or” at the end of paragraph (ii);
 - (g) in sub-paragraph (k) of that paragraph, after “the examiner or inspector”, insert “or nominated tester, as the case may be”;
 - (h) after sub-paragraph (k) of that paragraph, insert—
 - “(l) the vehicle—
 - (i) does not have a registration mark, vehicle identification number, chassis number or serial number; or
 - (ii) has one or more of those marks and numbers, but either none of them is legible or such one or more as is legible is in a script other than English.”;
 - and
 - (i) omit paragraph (2).

Conditions as to responsibility for damage to vehicles and third party liabilities

- 8. In regulation 14 (conditions as to responsibility for damage to vehicles and third party liabilities)(8)—

(7) Relevant amendments are made by S.I. 1995/2438 and 2000/1432.

(8) Relevant amendments are made by S.I. 1995/2438.

- (a) in paragraph (1), for “an examiner or an inspector appointed by a designated council, the examiner,” substitute “a person other than a section 66A examiner, the authorised examiner or”;
- (b) in sub-paragraph (a) of that paragraph, for “the examiner, council”, substitute “the authorised examiner or designated council (as the case may be)”;
- (c) for paragraph (1A), substitute the following paragraph—
 - “(1A) Where a motor vehicle has been submitted for an examination to be carried out by a section 66A examiner, paragraph (1) shall apply in relation to the examination as if—
 - (a) for the reference to a person other than a section 66A examiner, there were substituted a reference to a section 66A examiner; and
 - (b) for references to an authorised examiner or designated council, there were substituted references to the Secretary of State.”;
- (d) in paragraph (2), before “examiner” insert “authorised”;
- (e) in paragraph (3), before “examiner” (in both places), insert “authorised”;
- (f) in paragraph (4)—
 - (i) in sub-paragraph (a), before “examiner”, insert “authorised”;
 - (ii) in sub-paragraph (b), for the words from “of the vehicle” to the end, substitute “, in the control or care of an inspector, and”;
 - (iii) in sub-paragraph (c), for the words from “of the vehicle” to the end, substitute “, in the control or care of a section 66A examiner”.

Notification of examinations and results

9. For regulation 15 (results of examinations), substitute the following regulation—

“Notification of examinations and results

15.—(1) Subject to paragraph (3), the person by whom an examination is to be carried out shall, before carrying out the examination—

- (a) satisfy himself that there is available to him a supply of forms “VT20” (or “VT20W”) and “VT30” (or “VT30W”) sufficient to enable the result of the examination to be recorded; and
- (b) by electronic communication enter in the electronic record—
 - (i) his intention to carry out the examination;
 - (ii) the registration mark (if any) of the vehicle that he intends to examine; and
 - (iii) the vehicle identification number, chassis number or serial number of the vehicle.

(2) Subject to paragraphs (3) and (4), as soon as reasonably practicable after completing an examination, the person by whom it was carried out—

- (a) shall, by electronic communication, enter in the electronic record, as the circumstances require—
 - (i) that the prescribed statutory requirements are complied with in relation to the vehicle; or
 - (ii) that the prescribed statutory requirements are not complied with in relation to the vehicle;
- (b) shall, by electronic communication—

- (i) make such other entries in the electronic record as the record requires to be made; or
- (ii) where he has caused those entries to be made, confirm them;
- (c) may, by electronic communication, make such other entries in the electronic record as the record allows to be made; and where he has caused entries to be so made, he shall confirm them; and
- (d) shall issue—
 - (i) the test certificate or, as the case may be, the notice of the refusal of a test certificate, generated by the system supporting the electronic record; and
 - (ii) such other documents as the Secretary of State may from time to time require to be issued.

- (3) Where the person by whom the examination is to be carried out—
 - (a) has taken such steps as are reasonably practicable to gain access to the electronic record; and
 - (b) has failed to gain access,

he shall comply with the requirements notified to him by the Secretary of State for advising the Secretary of State that the examination is to be carried out and for recording the result of the examination.

(4) Where documents cannot be generated by the system supporting the electronic record, the person carrying out the examination shall issue a test certificate on form “VT20” or “VT20W” or, as the circumstances require, a notice of the refusal of a test certificate, on form “VT30” or “VT30W”.

(5) As soon as the electronic record becomes available for use, a person who has complied with the requirements mentioned in paragraph (3)—

- (a) shall, by electronic communication—
 - (i) confirm the entries required to be made by paragraph (2)(a) and (b); and
 - (ii) confirm any other entries that may have been made; and
- (b) may, by electronic communication, make such other entries in the electronic record as the record allows to be made.

(6) Where paragraph (4) applies, the authorised examiner or designated council at whose vehicle testing station the examination was carried out, or the Secretary of State—

- (a) if required to do so by the person by whom the vehicle was submitted for examination;
- (b) on production by that person of the certificate or notice (as the case may be) issued to him in accordance with that paragraph; and
- (c) if satisfied that no examination under this regulation or regulation 18 has been carried out in relation to the vehicle since that to which the certificate or notice relates,

shall supply to him, free of charge, the test certificate or, as the case may be, the notice of the refusal of a test certificate generated by the system supporting the electronic record.

(7) A test certificate shall be signed by the person by whom the examination was carried out or such other person as the Secretary of State may in any particular case direct.

(8) A notice of the refusal of a test certificate (including a notice issued in the circumstances mentioned in regulation 16) shall be signed by the person by whom the examination was carried out.

(9) Where a test certificate or notice of the refusal of a test certificate bears a facsimile, by whatever process reproduced, of the signature of a section 66A examiner, the certificate or notice shall be treated as duly signed for the purposes of paragraph (7) or (8).’.

Refusal of test certificate where braking test cannot be carried out

10. In regulation 16 (refusal of a test certificate where braking test cannot be carried out)—

- (a) in paragraph (1)—
 - (i) omit “by an examiner or an inspector appointed by a designated council”; and
 - (ii) for “the examiner or inspector”, substitute “the person carrying out the examination”;
- (b) for paragraph (2), substitute the following paragraphs—

“(2) Subject to paragraphs (2A) and (2B), as soon as reasonably practicable after completing the rest of the examination, the person carrying out the examination—

- (a) shall, by electronic communication, enter in the electronic record that the prescribed statutory requirements have not been shown to be met in relation to the vehicle;
- (b) shall by electronic communication—
 - (i) make such other entries in the electronic record as the record requires to be made; or
 - (ii) where he has caused those entries to be made, confirm them;
- (c) may, by electronic communication, make such other entries in the electronic record as the record allows to be made; and where he has caused entries to be so made, he shall confirm them;
- (d) shall issue—
 - (i) the notice of the refusal of a test certificate generated by the system supporting the electronic record; and
 - (ii) such other documents as the Secretary of State may from time to time require to be issued.

(2A) Where the person by whom the examination is to be carried out—

- (a) has taken such steps as are reasonably practicable to gain access to the electronic record; and
- (b) has failed to gain access,

he shall comply with the requirements notified to him by the Secretary of State for recording the result of the examination.

(2B) Where documents cannot be generated by the system supporting the electronic record, the person carrying out the examination shall issue a notice of the refusal of a test certificate, on form “VT30” or “VT30W”.

(2C) As soon as the electronic record becomes available for use, a person who has complied with the requirements mentioned in paragraph (2B)—

- (a) shall, by electronic communication—
 - (i) confirm the entries required to be made by paragraph (2)(a) and (b); and
 - (ii) confirm any other entries that may have been made; and
- (b) may, by electronic communication, make such other entries in the electronic record as the record allows to be made.

(2D) Where paragraph (2B) applies, the authorised examiner or designated council at whose vehicle testing station the examination was carried out, or the Secretary of State—

- (a) if required to do so by the person by whom the vehicle was submitted for examination;
- (b) on production by that person of the notice issued to him in accordance with that paragraph; and
- (c) if satisfied that no examination under this regulation or regulation 18 has been carried out in relation to the vehicle since that to which the notice relates,

shall supply to him, free of charge, the notice of the refusal of a test certificate generated by the system supporting the electronic record.”; and

- (c) omit paragraph (4).

Removal of vehicles submitted for examination

11. In regulation 17 (removal of vehicles submitted for examination)—

- (a) in paragraph (1), before “examiner” (in the first place where that word appears), insert “authorised”; and
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a), before “examiner”, insert “authorised”;
 - (ii) in sub-paragraph (b), for the words from “by an inspector” to the end, substitute “in the control or care of an inspector”; and
 - (iii) in sub-paragraph (c), for the words from “of the vehicle” to the end, substitute “in the control or care of a section 66A examiner”.

Appeal on refusal of a test certificate

12. In regulation 18 (appeal on refusal of a test certificate)—

- (a) in paragraph (1)(b), for “the office of any traffic area”, substitute “any office of VOSA”;
- (b) in paragraph (4)(a), for “an examiner”, substitute “persons carrying out examinations”;
- (c) for paragraphs (5) and (6), substitute the following paragraphs—

“(5) Paragraphs (2) to (6) of regulation 15 shall apply in relation to examinations under this regulation as they apply in relation to examinations under that regulation, subject to the omission, from paragraph (3) of that regulation, of the words “for advising the Secretary of State that the examination is to be carried out and”.

(6) A test certificate issued under this regulation shall be signed by the person by whom the examination was carried out or such other person as the Secretary of State may in any particular case direct.

(6A) A notice of the refusal of a test certificate issued under this regulation shall be signed by the person by whom the examination was carried out.”.

Payments to examiners and designated councils at whose premises examinations on appeals are carried out

13. In regulation 19 (payments to examiners and designated councils at whose premises examinations on appeals are carried out), before “examiner” (in the first place where that word appears), insert “authorised”.

Fees for examinations

14. In regulation 20 (fees for examinations)—

- (a) in paragraph (2)(b)(i), for “the examiner or designated council”, substitute “the person”;
- (b) in paragraph (3A)(a), before “examiner” insert “authorised”;
- (c) in paragraph (6), for the words from “the inspector” to “1988”, substitute “inspector or section 66A examiner”.

Fees on appeals

15. In regulation 21 (fees on appeals), in the proviso to paragraph (4), for “the office of the traffic area”, substitute “the office of VOSA”.

Other records to be kept and returns to be furnished

16. For regulation 22 (records to be kept and returns to be furnished by examiners and designated councils), substitute the following regulation—

“Other records to be kept and returns to be furnished

22.—(1) Without prejudice to regulations 15, 16 and 18, authorised examiners, designated councils, inspectors and nominated testers shall, by electronic communication in the electronic record, or in such other form and by such other means as the Secretary of State may from time to time specify, record such particulars as may be so specified.

(2) Where the electronic record is temporarily inaccessible for the purpose of recording particulars pursuant to paragraph (1), the particulars shall be recorded in such other form and by such other means as the Secretary of State may specify.

(3) Where particulars are recorded as mentioned in paragraph (2), appropriate entries shall be made or, as the Secretary of State may require, be confirmed, in the electronic record as soon as reasonably practicable after it has become accessible.

(4) Records (other than the electronic record) under this regulation shall be kept for a period sufficient to ensure that, upon an inspection under regulation 24, particulars of any matter recorded within the period of 18 months preceding the date of the inspection are available for inspection.”.

Duplicate test certificates

17. For regulation 23 (duplicate test certificates), substitute the following regulation—

“Duplicate test certificates

23.—(1) If a test certificate has been lost or defaced, an application for the issue of a duplicate of the original certificate may, at any time before the end of the period of 18 months beginning with the date on which the examination to which the certificate relates was carried out, be made—

- (a) at the vehicle testing station from which the original certificate was obtained,
- (b) at any other vehicle testing station, or
- (c) at any office of VOSA.

(2) The applicant shall provide with his application—

- (a) particulars of the registration mark (if any) of the vehicle concerned;

- (b) where the application is made as mentioned in paragraph (1)(b), such other information as the authorised examiner or designated council at whose testing station the application is made reasonably requires in order to access relevant data from the electronic record;
 - (c) where the application is made as mentioned in paragraph (1)(c), such other information as the Secretary of State reasonably requires.
- (3) The person to whom an application is made under paragraph (1) shall—
- (a) upon tracing sufficient particulars of the certificate to which the application relates to enable a duplicate to be issued; and
 - (b) on being paid—
 - (i) where the certificate relates to a motor bicycle not having a side car attached to it, the amount equal to half of the fee specified in regulation 20(1)(a);
 - (ii) in any other case, £10,issue a duplicate, marked “Duplicate”; and the duplicate so issued shall have the same effect as the original test certificate.
- (4) A duplicate issued under paragraph (3) need not be signed by the person who carried out the examination as the result of which the original certificate was obtained.”.

Correction of errors in records and test certificates

18. After regulation 23, insert the following regulation—

“Correction of errors in records and test certificates

23A.—(1) A person authorised in that behalf by the Secretary of State may, in accordance with the terms of his authorisation, correct an error in the records or in any test certificate.

(2) Subject to paragraph (3), a test certificate may be corrected at any time during the period of the certificate’s validity.

(3) Where, in respect of the same vehicle, two or more test certificates are valid, a correction may be made only to the certificate that is the later or latest to be issued.

(4) The person by whom a correction is made shall—

- (a) if appropriate, make an entry in the electronic record to reflect the correction; and
- (b) where the correction is of an error in a test certificate, supply to the person who furnishes the certificate containing the error, the test certificate (as corrected) generated by the system supporting the electronic record.”.

Inspection of premises, apparatus and records

19. In regulation 24 (inspection of premises, apparatus and records)—

- (a) for the words from the beginning to “Inspector”, substitute “A person authorised by the Secretary of State”;
- (b) for “examiner or council”, substitute “authorised examiner or designated council”;
- (c) in paragraph (c), omit “and copies of test certificates and notifications of the refusal of test certificates”.

Return of apparatus and documents

20. After regulation 24, insert the following regulation—

“Return of apparatus and documents

24A.—(1) Without prejudice to regulation 11, the Secretary of State may at any time, by notice or electronic communication to an authorised examiner or designated council, require the examiner or council—

- (a) to deliver to him, at such place and within such period as may be specified in the notice or communication; or
- (b) to permit the collection, from such premises as may be specified in the notice or communication, of,

apparatus or documents supplied to the examiner or council, by or on behalf of the Secretary of State, for the purposes of, or for purposes connected with, examinations to be carried out at any of the examiner’s or council’s vehicle testing stations.

(2) A communication or notice under paragraph (1) may refer to the delivery or collection of—

- (a) particular apparatus or apparatus of a description specified in the communication or notice;
- (b) a particular document or documents of a description so specified.”.

Miscellaneous charges and refunds

21. For regulation 25 (forms), substitute the following regulations—

“Charges for entries in the electronic record and payments on account

25.—(1) An entry in the electronic record that the prescribed statutory requirements are complied with in relation to a vehicle shall not be made unless the authorised examiner or, as the case may be, the designated council at whose vehicle testing station the examination of the vehicle was carried out has paid to the Secretary of State the sum of £1.19.

(2) Every authorised examiner and every designated council shall make such payments to the Secretary of State in anticipation of charges that may become payable by them under paragraph (1) as will, in the opinion of the examiner or council, ensure that the requirements of regulation 15(1)(a) are capable of being met as regards examinations at each of their vehicle testing stations.

- (3) Payments under paragraph (2)—
 - (a) must be designated by the examiner or council concerned as referable to a named vehicle testing station of the examiner or council; and
 - (b) may only be of an amount equal to the charge for 100 entries of the description mentioned in paragraph (1), or any multiple of 100.

Charges for apparatus, etc. connected with the electronic record

25A.—(1) Subject to paragraphs (2) to (5), an authorised examiner or designated council shall pay to the Secretary of State or to such other person as, by notice to the examiner or council, he may direct, in respect of the provision by him, or on his behalf, of any apparatus or service specified in column (1) of the Table in Schedule 3 to these Regulations, the amount specified in relation to that apparatus or service in column (2) of that Table.

- (2) Item 1 shall be provided free of charge unless—
 - (a) the visit is the second (or subsequent) to the vehicle testing station for the purpose of installing apparatus and is attributable to a failure on the part of the authorised examiner or, as the case may be, the designated council, to comply

- with requirements notified by or on behalf of the Secretary of State in advance of the date appointed for the first (or previous) visit; or
- (b) the visit is attributable to the cancellation, by the authorised examiner or, as the case may be, the designated council, of an arrangement to install apparatus at an earlier date.
- (3) The Secretary of State may waive any charge payable in respect of item 1 or item 2.
- (4) Items 6 to 15 shall be provided free of charge where the apparatus to be replaced is unserviceable by reason of fair wear and tear.
- (5) Item 16 shall be provided free of charge except where the apparatus to be replaced—
- (a) is unserviceable for reasons other than fair wear and tear; and
 - (b) is the third (or subsequent) item of that description to have become unserviceable in the preceding five years for reasons other than fair wear and tear.
- (6) Where, as respects apparatus of a description specified in column (1) of the Table in Schedule 3 to these Regulations—
- (a) a person fails to comply with regulation 11(1) or a requirement imposed under regulation 24A(1); or
 - (b) the apparatus delivered or, as the case may be, made available for collection, in compliance with that provision or requirement, is in an unserviceable condition by reason other than fair wear and tear; or
 - (c) the person to whom it was supplied is unable to return it to the Secretary of State, the Secretary of State may, by notice to the person concerned, require the payment to him of such amount, not exceeding that specified in relation to the apparatus in column (2) of that Table, as may be specified in the notice.
- (7) In this regulation, references to a numbered item are references to the apparatus or service bearing that number in column (1) of the Table in Schedule 3 to these Regulations.”

Refunds

25B.—(1) As soon as reasonably practicable after a cessation has taken effect in accordance with regulation 9 or 10, the Secretary of State shall repay to the person or council concerned the amount (if any) determined in accordance with the formula A–B, where—

“A” is the amount held by the Secretary of State immediately before the cessation on account of any charge that might have become payable by that person or council in connection with the carrying out of examinations; and

“B” is the amount payable to the Secretary of State in accordance with regulation 25A(6).

(2) On receipt of any unused forms for test certificates sent to him in accordance with regulation 11(1) or (2), the Secretary of State shall repay to the person or council concerned, an amount equal to the amount paid to the Secretary of State by that person or council for the supply of those forms.

(3) Where unissued and cancelled forms for test certificates are returned to the Secretary of State because they have been spoilt or defaced, the Secretary of State may make a refund to the person or council concerned of such amount as he considers appropriate.”

Access to, and sale of, particulars in, or information derived from, the records

22. After regulation 28 (certificates of temporary exemption) insert the following regulations—

“Access to particulars in the records

29. The Secretary of State may make particulars contained in the records (including the electronic record) available for use—

- (a) by a chief officer of police; or
- (b) on payment of a fee, if any is required by the Secretary of State to be paid, of such amount as appears to the Secretary of State to be reasonable in the circumstances of the case, by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting the particulars to be made available to him.

Sale of particulars in, and information derived from, the records

30. The Secretary of State may sell particulars contained in, or information derived from, the records (including the electronic record)—

- (a) to such persons as he thinks fit, and
- (b) for such price and on such other terms, and subject to such restrictions, as he thinks fit,

if those particulars do not (or that information does not) identify the premises at which any examination was carried out or any person concerned with the carrying out of the examination.”.

Charges for purposes of regulation 25A

23. After Schedule 2 (the prescribed statutory requirements), insert the following Schedule—

“SCHEDULE 3

regulation 25A

CHARGES FOR PURPOSES OF REGULATION 25A

<i>(1)</i> <i>Apparatus or service</i>	<i>(2)</i> <i>Amount £</i>
1. Visit to vehicle testing station for installation of apparatus associated with the electronic record.	142.86
2. Second (or subsequent) course of training, other than at vehicle testing station, in use of apparatus for accessing the electronic record.	179.19
3. Supply and commissioning of additional measuring equipment interface device.	137.38
4. Supply of additional measuring equipment interface device.	41.61
5. Supply and commissioning of additional VTS device.	801.53
6. Supply and commissioning of VTS device (replacement).	801.53
7. Supply and commissioning of computer base unit (replacement).	643.32

<i>(1)</i> <i>Apparatus or service</i>	<i>(2)</i> <i>Amount £</i>
8. Supply and commissioning of monitor (replacement).	208.63
9. Supply and commissioning of keyboard (replacement).	130.11
10. Supply of keyboard (replacement).	34.33
11. Supply and commissioning of printer (replacement).	206.51
12. Supply and commissioning of pointing device (replacement)	129.85
13. Supply of pointing device (replacement).	34.08
14. Supply and commissioning of measuring equipment interface device (replacement).	137.38
15. Supply of measuring equipment interface device (replacement).	41.61
16. Smart card (replacement).	12.63
17. Plain paper (500).	7.67”

Savings

24.—(1) The amendments made—

(a) by regulations 9, 10(b), 12(c), 16 and 17; and

(b) by regulation 21, to the extent that it relates to regulation 25 of the principal Regulations, shall not apply in relation to examinations at a vehicle testing station at which the apparatus required to enable entries to be made in the electronic record has not been installed and, accordingly, the principal Regulations shall have effect in relation to such examinations as if those amendments had not been made.

(2) The amendments made by regulations 9 and 10 of these Regulations shall not apply in relation to the examination of vehicles classified, in accordance with regulation 5 of the principal Regulations, as vehicles of Class VI or Class VIA.

Transitional provisions

25.—(1) In this regulation “the commencement date” means the date on which these Regulations come into force.

(2) A person who, immediately before the commencement date, is an authorised examiner or an inspector may continue to act in that capacity on and after that date, notwithstanding that he has not complied with the relevant requirements.

(3) Subject to paragraph (4), an authorised examiner to whom paragraph (2) applies shall, on and after the commencement date, be treated as subject to such of the conditions specified in such of regulations 8B and 8D as are applicable in his case (in addition to any conditions to which he is subject by virtue of his authorisation before that date).

(4) An authorised examiner who, but for this paragraph, would be treated as subject to the condition specified in regulation 8D(c), shall not be so treated if on 1st April 1995 he was authorised

to carry out examinations for the purposes of section 45 of the 1988 Act and has continued so be so authorised until immediately before the commencement date.

(5) An inspector to whom paragraph (2) applies shall be treated, on and after the commencement date, as subject to the conditions specified in regulation 8A (in addition to any conditions to which he is subject by virtue of his appointment before that date).

(6) A person whose name appears, with the agreement of the Secretary of State, in a list exhibited as mentioned in regulation 9(1)(d) of the principal Regulations immediately before the commencement date, may continue to carry out examinations at the vehicle testing station to which the list relates, notwithstanding that he has not complied with the relevant requirements.

(7) A person to whom paragraph (6) applies shall be treated, on and after the commencement date—

- (a) as a nominated tester; and
- (b) as subject to the conditions specified in regulation 8A (in addition to any conditions to which he is subject by virtue of his authorisation before that date).

(8) A council which, immediately before the commencement date, is designated for the purposes of section 45 and 46 of the 1988 Act may continue to act in that capacity on and after that date notwithstanding that they have not complied with the relevant requirements.

(9) Subject to paragraph (10), a council to which paragraph (8) applies shall be treated on and after the commencement date as subject to the conditions specified in regulation 8E (in addition to any conditions to which they are subject by virtue of their designation before that date).

(10) A designated council which, but for this paragraph, would be treated as subject to the condition specified in regulation 8E(b)(ii), shall not be so treated if on 1st April 1995 it was designated for the purposes of sections 45 and 46 of the 1988 Act and has continued so be so designated until immediately before the commencement date.

(11) In this regulation “the relevant requirements”—

- (a) in relation to a person of a description specified in paragraph (2), means such of the requirements of Part II of the principal Regulations (as substituted by regulation 5 of these Regulations) as are applicable to persons seeking authorisation under that Part as authorised examiners or, as the case may be, inspectors;
- (b) in relation to a person of the description specified in paragraph (6), means such of those requirements as are applicable to persons seeking approval under that Part as nominated testers;
- (c) in relation to a council, means such of those requirements as are applicable to councils seeking designation under that Part.

Omission of Part

26. Part 1 of Schedule I (diagram showing size, colour, and type of sign to be displayed by authorised examiners) shall be omitted.

Signed by authority of the Secretary of State for Transport

14th April 2003

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport