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STATUTORY INSTRUMENTS

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**2003 No. 1698**

**The Motor Vehicles (Tests)  
(Amendment) (No.2) Regulations 2003**

**Amendments to regulation 13 (requirements as to vehicles submitted for examinations)**

**5.** For regulation 13 substitute—

“**13.**—(1) An authorised examiner, a section 66A examiner, an inspector and a nominated tester<sup>(1)</sup> shall not be under any obligation to carry out an examination of a motor vehicle where—

- (a) on the submission of a vehicle for an examination the applicant does not, after being requested to do so, produce the registration book issued under the Road Vehicles (Registration and Licensing) Regulations 2002<sup>(2)</sup> relating to the vehicle, or other evidence, acceptable to the examiner, section 66A examiner, inspector or nominated tester, as the case may be, of the date of the vehicle’s first use or manufacture and the chassis or serial number given to the vehicle by its manufacturer and, if the manufacturer has also given the vehicle an identification number, that number also;
- (b) the vehicle or any part thereof or any of its equipment is so dirty as to make it unreasonably difficult for the examination to be carried out in accordance with the provisions of these Regulations;
- (c) the examiner, section 66A examiner, inspector or nominated tester, as the case may be, 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 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 to such extent as may be necessary for the purpose of the carrying out of the examination;
- (d) before the carrying out of an examination of a motor vehicle any things which are in the vehicle, and are not part of its equipment or accessories, are required by the examiner, section 66A examiner, inspector or nominated tester, as the case may be, to be removed from the vehicle or to be secured in such manner as he may think necessary and the things are not removed or secured accordingly;
- (e) in the case where the fee for the examination is payable in advance of the examination the examiner, section 66A examiner, inspector or nominated tester, as the case may be, is not satisfied that the fee payable for the examination has been paid as required by regulation 20(2)(a) or (b)(i);
- (f) in the case of a Class VI or VIA vehicle—

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(1) Definitions of “examiner”, “inspector” and “section 66A examiner” are given in [S.I. 1981/1694](#), regulation 3(1) to which relevant amendments were made by [S.I. 2003/1113](#), regulation 3(1). “nominated testers” are defined in section 45(3)(za) of the Road Traffic Act 1988; section 45(3)(za) was inserted by the Road Traffic (Vehicle Testing) Act 1999, section 1(1).

(2) [S.I. 2002/2742](#).

- (i) the vehicle is not submitted for examination at the time and date fixed for the examination;
  - (ii) the driver of the vehicle is requested to remain in it or its vicinity throughout the examination, to drive it, to operate its controls, to remove or refit its panels or to open or close its doors and he declines to do so; or
  - (iii) wheelchair restraining devices are not installed in the vehicle at the time it is submitted for examination;
- (g) the vehicle emits substantial quantities of avoidable smoke;
- (h) a proper examination of the vehicle cannot readily 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 be readily opened;
- (j) without prejudice to sub-paragraph (c), the condition of the vehicle is such that, in the opinion of the examiner, section 66A examiner, inspector or nominated tester, as the case may be, 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;
- (k) in the case of a vehicle propelled by a compression ignition engine, to which regulation 61(10BA) of the Construction and Use Regulations applies, the exhaust system has been so altered that the examiner, section 66A examiner, inspector or nominated tester, as the case may be, is not able, with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out, to determine whether Part II of Schedule 7B to those Regulations applies to the vehicle;
- (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 none of them is legible or such one or more as is legible is in a script other than English; or
- (m) an examiner, section 66A examiner, inspector or nominated tester, as the case may be, is not able to open and examine recording equipment fitted to the vehicle in accordance with the Community Recording Equipment Regulation(3).”.

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(3) “Community Recording Equipment Regulation” is defined in section 85 of the Road Traffic Act 1988; the definition was inserted by S.I. 1996/941.