STATUTORY INSTRUMENTS

2003 No. 1698

ROAD TRAFFIC

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

Made - - - -	*7th July 2003*
Laid before Parliament	*8th July 2003*
Coming into force	*1st August 2003*

The Secretary of State for Transport, in exercise of the powers conferred by sections 45 and 46 of the Road Traffic Act 1988**(a)** and by virtue of the Department of Transport (Fees) Order 1988**(b)**, and in exercise of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) (No.2) Regulations 2003 and shall come into force on 1st August 2003.

Preliminary

2. The Motor Vehicles (Tests) Regulations 1981**(c)** shall be further amended as follows.

Amendments to regulation 3 (interpretation)

3. In regulation 3(1), after the definition of "proper officer"**(d)**, insert the following definition—

> "'proper officer", in relation to a designated council in Scotland, has the meaning given by section 235(3) of the Local Government (Scotland) Act 1973**(e)**;".

Amendments to regulation 12 (applications for examinations)

4. In regulation 12 (applications for examinations), in paragraph (3)(c)**(f)**, before "examiner" (in both places), insert "authorised".

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

5. For regulation 13 substitute—

(a) 1988 c.52. Section 45 was amended by paragraph 52 of Schedule 4 to the Road Traffic Act 1991 (c.40) and by section 1 of the Road Traffic (Vehicle Testing) Act 1999 (c.12). Section 46 was substituted by section 2 of the Road Traffic (Vehicle Testing) Act 1999.

(b) S.I. 1988/643, which was made under section 102 of the Finance (No.2) Act 1987 (c.51). The relevant amending instrument is S.I. 2003/1094 and the relevant entry in Table III of Schedule 1 is item 1.

(c) S.I. 1981/1694; relevant amending instruments are 1984/1126, 1989/1694, 1991/1525 and 2229, 1992/1609 and 3160, 1995/2438, 1997/81, 1998/1672, 1999/2199, 2000/1432 and 2322, 2001/1648 and 3330, 2002/488 and 1698 and 2003/1113.

(d) The definition was inserted by S.I. 2003/1113, regulations 2 and 3(1)(e).

(e) 1973 c.65.

(f) Paragraph (3) was amended by S.I. 2003/1113, regulation 6(b).

"**13.**—(1) An authorised examiner, a section 66A examiner, an inspector and a nominated tester**(a)** 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**(b)** 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—

(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

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(a) 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).

(b) S.I. 2002/2742.

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**(a)**.".

Amendments to regulation 20 (fees for examinations)

6.—(1) Regulation 20 shall be amended as follows.

(2) In the provisions specified in column (1) of the following Table for the amounts specified in column (2) there shall be substituted the amounts specified in column (3).

TABLE

(1) *Regulation*	*(2)* *Existing Amount (£)*	*(3)* *Substituted Amount (£)*
20(1)(a)	14.65	15.20
20(1)(aa)	24.05	24.85
20(1)(b)	28.15	29.00
20(1)(c)(i)	41.10	42.65
20(1)(c)(ii)	39.25	40.75
20(1)(ca)	46.20	47.85
20(1)(d)(i)	60.35	61.95
20(1)(d)(ii)	44.45	45.70
20(1)(da)(i)	93.30	95.65
20(1)(da)(ii)	60.20	61.80
20(1)(f)	43.15	44.40

Amendments to regulation 25 (charges for entries in the electronic record and payments on account)

7.—(1) Regulation 25**(b)** shall be amended as follows.

(2) In paragraph (1), for "£1.19" substitute "£1.44".

(3) To the extent that the amendments in respect of regulation 25 by regulation 21 of the Motor Vehicles (Tests) (Amendment) Regulations 2003**(c)** do not apply by virtue of regulation 24(1) of those Regulations, in paragraph (2) for "£119" substitute "£144".

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

(b) Regulation 25 was substituted by S.I. 2003/1113, regulation 21; relevant savings were made by 24(1)(b).

(c) S.I. 2003/1113.

Amendments to regulation 25A (charges for apparatus, etc. connected with the electronic record)

8.—(1) Regulation 25A**(a)** shall be amended as follows.

(2) After paragraph (3), insert—

"(3A) Item 2A shall be provided free of charge unless—

(a) the visit is necessary as a result of a failure on the part of the authorised examiner or, as the case may be, the designated council, to provide adequate access to the apparatus during 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 assess, repair or replace apparatus at an earlier date.

(3B) The Secretary of State may waive any charge payable in respect of item 2A."

(3) In paragraph (4), insert at the end "or a defect at the time of supply".

(4) In paragraph (5)—

(a) in sub-paragraph (a), after "and tear" insert "or a defect at the time of supply"; and

(b) in sub-paragraph (b), insert at the end, "or a defect at the time of supply".

Amendments to Schedule 2 (the prescribed statutory requirements for vehicles in classes I and II)

9.—(1) Schedule 2 shall be amended as follows.

(2) For items 1 to 6 the Table in paragraph 1(a) substitute—

"1	16 and 18	Braking
2	24, 26, 27 and 100(1) (insofar as it relates to the condition of the road wheels)	Wheels and Tyres
3	29	Steering
4	37	Audible Warning Instrument
4A	39 and 100(1) (insofar as it relates to the security and condition of the fuel system components or, as the case may be, their maintenance so that no danger is likely to be caused)	Fuel Tanks and Pipes
5	54, 57 and 100(1) (insofar as it relates to the condition of the pipings, attachment brackets and mounting of the exhaust system)	Exhaust
5A	67	Vehicle Identification Number
6	100(1) (insofar as it relates to the condition of the vehicle structure, the chassis, frame and any sub-frame or any mounting or connection or part of the suspension, to the extent that such condition may prejudice the steering or braking of the vehicle)	Structure and Suspension

(a) Regulation 25A was inserted by S.I. 2003/1113, regulations 2 and 21.

6A	100(1) (insofar as it relates to the clutch and engine speed control systems and their mountings or connections to the extent that such condition may prejudice the safe operation of the vehicle)	Clutch Lever and Throttle Control”

(3) After paragraph 1(b) insert—

“(c) The requirements contained in the following provisions of the Road Vehicles (Display of Registration Marks) Regulations 2001**(a)**:—

Item No.	*Regulations*	*Affecting*
13A	4, 5, 7, 11, 12, 13, 14 and 15	Rear Registration Plates and Marks”

(4) For the table in paragraph 2(d) substitute—

“(d) The requirements contained in the following provisions of the Road Vehicles (Display of Registration Marks) Regulations 2001:—

Item No.	*Regulations*	*Affecting*
27	4, 5, 6, 7, 11, 12, 13, 14 and 15	Registration Plates and Marks”

Amendments to Schedule 3 (charges for purposes of regulation 25A)

10.—(1) Schedule 3**(b)** shall be amended as follows.

(2) After item 2 insert—

“2A. Second (or subsequent) visit to vehicle testing station for assessment, repair or replacement of apparatus associated with the electronic record.	102.82”

Signed by authority of the Secretary of State

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

7th July 2003

(a) S.I. 2001/561.
(b) Schedule 3 was inserted by S.I. 2003/1113, regulation 23.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (Tests) Regulations 1981 ("the 1981 Regulations"). Those Regulations make provision for certain motor vehicles to be examined by persons authorised by the Secretary of State and for test certificates to be issued for vehicles that are found to meet certain requirements. These certificates are commonly referred to as "MOT Certificates".

Regulations 3, 4 and *8(3)* make amendments to regulations 3, 12 and 25A of the 1981 Regulations to correct errors in S.I. 2003/1113. The amendment to regulation 3 (*regulation 3*) provides that the term "proper officer", in relation to a designated council in Scotland, is to have the same meaning as in section 235(3) of the Local Government (Scotland) Act 1973. The amendment to regulation 12 (*regulation 4*) provides for references in paragraph (3)(c) to be to "authorised examiners". The amendment to regulation 25A(4) and (5) (*regulation 8(3) and (4)*) secures the free replacement of items of apparatus connected with the operation of the electronic record where the apparatus was defective when supplied.

Regulation 5 substitutes a new regulation 13 (requirements as to vehicles submitted for examinations). The main change is a new regulation 13(1)(m) to cover the circumstances in which an examiner, section 66A examiner, inspector or nominated tester is not able to open and examine recording equipment relating to the vehicle.

Regulation 6 makes amendments to regulation 20 (fees for examinations) of the 1981 Regulations. Regulation 20 of the 1981 Regulations prescribes the fees payable for examinations of vehicles pursuant to applications made under regulation 12 of those Regulations.

The increased fees for testing vehicles other than those in Classes VI or VIA are payable from 1st August 2003. The new fees are as follows, with the percentage increase since the fees were last fixed being shown in brackets—

(a) motor bicycles without a side car, from £14.65 to £15.20 (3.75%);

(b) motor bicycles with a side car, from £24.05 to £24.85 (3.33%);

(c) vehicles in Class III ("light motor vehicles" other than motor bicycles), from £28.15 to £29 (3.02%);

(d) vehicles in Class IV ("motor cars" and "heavy motor cars" not being vehicles within Class III, IVA, V, VA, VI, VIA, or VII)—

  (i) from £41.10 to £42.65 (3.77%) if the vehicle is a minibus, and

  (ii) from 39.25 to £40.75 (3.82%) in any other case;

(e) vehicles in Class IVA (being minibuses which are not within Class IV; the vehicles in this Class cover "minibuses", other than those excluded by virtue of a certificate of initial fitness issued on or after 1st August 1998 or compliance with certain type approval requirements, not being vehicles within Class III, V or VA in respect of which any forward facing seat is fitted with a relevant seat belt), from £46.20 to £47.85 (3.57%).

(f) vehicles in Class V ("large passenger-carrying vehicles", particular public service vehicles and "play buses" not being vehicles within Class VA)—

  (i) from £60.35 to £61.95 (2.65%) if the vehicle is constructed or adapted to carry more than 16 passengers, and

  (ii) from £44.45 to £45.70 (2.81%) in any other case;

(g) vehicles in Class VA ("large passenger-carrying vehicles", particular public service vehicles and "play buses", other than those excluded by virtue of a certificate of initial fitness issued on or after 1st August 1998 or compliance with certain type approval requirements, in respect of which any forward-facing seat is fitted with a relevant seat belt)—

  (i) from £93.30 to £95.65 (2.52%) if the vehicle is constructed or adapted to carry more than 16 passengers, and

  (ii) from £60.20 to £61.80 (2.66%) in any other case; and

(h) vehicles in Class VII (goods vehicles with a design gross weight of more than 3,000 kg but not more than 3,500 kg), from £43.15 to £44.40 (2.90%).

In the case of the vehicles mentioned above, under regulation 21 of the 1981 Regulations, the fee payable on an appeal against a notice of the refusal of a test certificate is the same amount as the fee payable for the examination. In the case of vehicles mentioned above, under regulation 23 of the 1981 Regulations, the fee for a duplicate test certificate is £10, except in the case of a motor bicycle without a side car where it is half the fee for a test of the vehicle.

Regulation 7(2) amends regulation 25(1) (forms) by substituting "£1.44" for "£1.19" in respect of an entry in the electronic record. *Regulation 7(3)* provides that to the extent that the amendments made to regulation 25 of the 1981 Regulations by 21 of the Motor Vehicles (Tests) (Amendment) Regulations 2003 (S.I. 2003/1113) do not apply by virtue of regulation 24(1) of those Regulations, "£144" shall be substituted for "£119" (the charge for the supply of 100 forms of test certificate).

Regulations 8(2) and *10* amend regulation 25A of, and Schedule 3 to, the 1981 Regulations by specifying the circumstances in which charges are imposed for second (or subsequent) visits to vehicle testing stations for assessment, repair or replacement of apparatus associated with the electronic record. It is not expected that these provisions will apply until 2004.

Regulation 9(2) substitutes a new table 1(a) in Schedule 2 to the 1981 Regulations (the prescribed statutory requirements for vehicles in Classes I and II). The previous items 1 to 6 are retained and three new items are inserted: items 4A (fuel tanks and pipes), 5A (vehicle identification number) and 6A (clutch lever and throttle control).

Regulation 9(3) inserts a new paragraph 1(c) in Schedule 2 to the 1981 Regulations (the prescribed statutory requirements for vehicles in Classes I and II). The table specifies item 13A and lists relevant regulations affecting Rear Registration Plates and Marks in the Road Vehicles (Display of Registration Marks) Regulations 2001.

Regulation 9(4) substitutes a new paragraph 2(d) in Schedule 2 of the 1981 Regulations (the prescribed statutory requirements for vehicles in Class III). The table includes item 27 which lists relevant regulations affecting Registration Plates and Marks in the Road Vehicles (Display of Registration Marks) Regulations 2001.

A regulatory impact assessment has been prepared and copies can be obtained from the Department for Transport, Zone 2/05, Great Minster House, 76 Marsham Street, London SW1P 4DR (Telephone: 020–7944 2455). A copy has been placed in the library of each House of Parliament.

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