STATUTORY INSTRUMENTS

1961 No. 209

ROAD TRAFFIC

The Motor Vehicles (Tests) (Exemption) Regulations, 1961

Made - - - -	1*st February*, 1961
Laid before Parliament	10*th February*, 1961
Coming into Operation	15*th February*, 1961

The Minister of Transport in exercise of his powers under section 66 of the Road Traffic Act, 1960(a), and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of subsection (2) of section 260 of the said Act of 1960, hereby makes the following Regulations:—

Commencement and Citation

1. These Regulations shall come into operation on the fifteenth day of February, 1961, and may be cited as the Motor Vehicles (Tests) (Exemption) Regulations, 1961.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"Act of 1960" means the Road Traffic Act, 1960;

"articulated vehicle", "dual-purpose vehicle" and "works truck" have the same meanings respectively as in the Motor Vehicles (Construction and Use) Regulations, 1955(b), as amended(c);

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, but does not include a dual-purpose vehicle;

"pedestrian controlled vehicle" means a motor vehicle which is controlled by a pedestrian and is not constructed or adapted for use for the carriage of a driver or passenger;

"statutory test", in relation to a vehicle, means an examination for the purposes of section 65 of the Act of 1960;

"the prescribed statutory requirements" has the same meaning as in the Motor Vehicles (Tests) Regulations, 1960(d);

"track-laying", in relation to a vehicle, means that the vehicle is so designed and constructed that the weight thereof is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks;

(2) For the purposes of these Regulations the unladen weight of a motor vehicle shall be computed in accordance with section 26 of the Vehicles (Excise) Act, 1949(e).

(a) 8 & 9 Eliz. 2. c. 16. (b) S.I. 1955/482 (1955 II, p. 2242).
(c) S.I. 1956/540, 1957/359, 971, 1959/1936, 2231, 1960/1065 (1956 II, p. 2004; 1957 II, pp. 1976, 1985; 1959 II, pp. 2352, 2361; 1960 III, p. 2960).
(d) S.I. 1960/1083 (1960 III, p. 2965). (e) 12, 13 & 14 Geo. 6. c. 89.

(3) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The Interpretation Act, 1889(a), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Vehicles to which section 66 of the Act of 1960 shall not apply

3. Section 66 of the Act of 1960 shall not apply to motor vehicles of the following classes or descriptions, that is to say—

(*a*) heavy locomotives, light locomotives and motor tractors;

(*b*) track-laying vehicles;

(*c*) goods vehicles the unladen weight of which exceeds thirty hundredweight;

(*d*) articulated vehicles or vehicles constructed or adapted for the purpose of forming part of an articulated vehicle;

(*e*) works trucks;

(*f*) pedestrian controlled vehicles;

(*g*) vehicles (including cycles with an attachment for propelling them by mechanical power) which do not exceed six hundredweight in weight unladen and are adapted, and used or kept on a road, for invalids;

(*h*) hackney carriages in respect of which there are in force licences granted under section 6 of the Metropolitan Public Carriage Act, 1869(b);

(*i*) vehicles to which any of the prescribed statutory requirements do not apply by virtue of any of the following provisions of the Motor Vehicles (Construction and Use) Regulations, 1955, as amended, namely—

(i) paragraph (3) of Regulation 4 (which relates to vehicles proceeding to a port for export);

(ii) paragraph (7) of the said Regulation (which relates to vehicles in the service of a visiting force);

(iii) Regulation 4A (which relates to land tractors);

(*j*) vehicles temporarily in Great Britain to which a registration mark is assigned under paragraph (1) of Regulation 5 of the Motor Vehicles (International Circulation) Regulations, 1957(c), or under provisions applying in Northern Ireland and corresponding to the provisions of that paragraph or under paragraph (2) of Regulation 7 of the said Regulations, a period of one year not having elapsed since the mark was so assigned;

(*k*) vehicles for the time being licensed under the Vehicles (Excise) Act (Northern Ireland), 1954(d);

(*l*) vehicles exempted from duty under subsection (4) of section 7 of the Vehicles (Excise) Act, 1949.

Exemption from section 66 (1) of the Act of 1960 of the use of vehicles for certain purposes

4.—(1) The use of a motor vehicle for any of the purposes specified in the following provisions of this Regulation is exempted from subsection (1) of section 66 of the Act of 1960.

(a) 52 & 53 Vict. c. 63.
(b) 32 & 33 Vict. c. 115.
(c) S.I. 1957/1246 (1957 II, p. 2170).
(d) 1954, c. 17 (N.I.).

(2) The use of a vehicle—

(*a*) for the purpose of submitting it by previous arrangement for, or bringing it away from, a statutory test; or

(*b*) in the course of a statutory test, for the purpose of taking it to, or bringing it away from, any place where a part of the test is to be or, as the case may be, has been carried out, or of carrying out any part of the test, the person so using it being either—

(i) a person authorised as an examiner or appointed as an inspector under section sixty-five of the Act of 1960, or acting on behalf of a person so authorised, or

(ii) a person acting under the personal direction of such a person as aforesaid, or

(*c*) where a test certificate is refused on a statutory test—

(i) 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 statutory test the defects on the ground of which the test certificate was refused; or

(ii) for the purpose of delivering it, by towing it, to a place where the vehicle is to be broken up.

(3) The use of a vehicle for any purpose for which it is authorised to be used on roads by an order under subsection (4) of section 64 of the Act of 1960, being an order authorising that vehicle or any class or description of vehicles comprising that vehicle to be so used notwithstanding that it does not comply with the prescribed statutory requirements or with such of the said requirements as are specified in the said order.

(4) The use of a vehicle for the purpose of removing or moving it from a road or any part of a road in pursuance of regulations under section 43 of the Act of 1960 or of removing it from a parking place in pursuance of an order under subsection (8) of section 87 of the Act of 1960, a provision of a designation order having effect by virtue of subsection (5) of section 5 of the Road Traffic and Roads Improvement Act, 1960(**a**), or an order under subsection (2) of section 11 of the last-mentioned Act.

(5) The use of a vehicle, which has been detained or seized by a police constable, for police purposes connected with such detention or seizure.

(6) The use by an Officer of Customs and Excise, or by any other person authorised generally or specially in that behalf in writing by the Commissioners of Customs and Excise, of any vehicle removed, detained, seized or condemned as forfeited under any provision of the Customs and Excise Act, 1952(**b**).

Exemption from section 66 (1) *of the Act of* 1960 *of the use of vehicles in certain areas*

5.—(1) The use of a motor vehicle in any area to which this Regulation applies is exempted from subsection (1) of section 66 of the Act of 1960.

(2) This Regulation applies to any island and to any area mainly surrounded by water, being an island or area from which motor vehicles not 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

(**a**) 8 & 9 Eliz. 2. c. 63. (**b**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

bridge, tunnel, ford or other way suitable for the passage of such motor vehicles:

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 or to any other island or area from which motor vehicles not constructed for special purposes can either at all times or at some times be conveniently driven to a road in any of the aforesaid islands by reason of the existence of a bridge, tunnel, ford or other way suitable for the passage of such motor vehicles.

Given under the Official Seal of the Minister of Transport this first day of February, 1961.

(L.S.)

Ernest Marples,
The Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Section 66 of the Road Traffic Act, 1960, contains provision making it an offence to use on a road at any time a motor vehicle first registered under the Vehicles (Excise) Act, 1949, or the Roads Act, 1920, more than ten years previously unless a test certificate has been issued as respects that vehicle within the preceding twelve months. By virtue of subsection (2) of section 66 this provision does not apply to certain public service vehicles or to vehicles of such classes or descriptions as may be prescribed by the Minister of Transport and subsections (4) and (5) empower the Minister by regulations to exempt from that provision motor vehicles used for such purposes or in such areas as may be prescribed.

These Regulations prescribe that the above-mentioned provision relating to the use on a road without a test certificate of a motor vehicle registered more than ten years previously shall not apply to vehicles of the classes or descriptions mentioned in Regulation 3 and they also exempt from that provision vehicles when used for the purposes specified in Regulation 4 or when used in certain islands and other areas defined in Regulation 5.