1969 No. 419

ROAD TRAFFIC

The Motor Vehicles (Tests) (Exemption) Regulations 1969

Made - - -	18*th March* 1969
Laid before Parliament	31*st March* 1969
Coming into Operation	1*st May* 1969

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 section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

Commencement and Citation

1. These Regulations shall come into operation on the 1st May 1969, and may be cited as the Motor Vehicles (Tests) (Exemption) Regulations 1969.

Revocation

2. The Regulations specified in the Schedule hereto are hereby revoked.

Interpretation

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

"1960 Act" 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 1969(b);

"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 1960 Act;

(a) 8 & 9 Eliz 2. c. 16. (b) S.I. 1969/321 (1969 I, p. 829).

"the prescribed statutory requirements" has the same meaning as in the Motor Vehicles (Tests) Regulations 1968(a); and

"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 the provisions of Schedule 6 to the Vehicles (Excise) Act 1962(b) as amended by section 8(1) of the Finance Act 1966(c).

(3) Any reference in these Regulations to any enactment or instrument shall be construed as a reference to that enactment or instrument as amended re-enacted or replaced by any subsequent enactment or instrument.

(4) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purpose of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 of these Regulations were Acts of Parliament thereby repealed.

Exemption of certain vehicles from test

4. Section 66 of the 1960 Act 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(e);

(*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 1969, namely—

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

(ii) Regulation 4(7) (which relates to vehicles in the service of a visiting force or of a headquarters);

(iii) Regulation 5 (which relates to land tractors);

(*j*) vehicles temporarily in Great Britain to which a registration mark is assigned under Regulation 2(1) of the Motor Vehicles (International Circulation) Regulations 1965(f), or under provisions applying in Northern Ireland and corresponding to the provisions of that paragraph or under Regulation 4(2) of the said Regulations, a period of one year not having elapsed since the mark was so assigned;

(a) S.I. 1968/1714 (1968 III, p. 4607). (b) 10 & 11 Eliz. 2. c. 13. (c) 1966 c. 18.
(d) 52 & 53 Vict. c. 63. (e) 32 & 33 Vict. c. 115.
(f) S.I. 1965/329 (1965 I, p. 1067).

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

(*l*) vehicles exempted from duty under section 6(6) of the Vehicles (Excise) Act 1962;

(*m*) Hackney carriages or cabs in respect of which there are in force licences granted under—

(i) section 37 of the Town Police Clauses Act 1847(b) by the Council of the County Borough of Birkenhead, Birmingham, Cardiff, Kingston upon Hull, Leeds, Manchester, Nottingham, Oldham, Preston, Salford, Sheffield, Sunderland or Swansea or the Council of the Borough of Batley, Chatham, Gillingham, Harrogate, Ilkeston, Ripon, Rochester or Sudbury or the Urban District Council of Bingley: or

(ii) Part XXIV F of the Edinburgh Corporation Order 1967(c); or

(iii) Part V A of the Glasgow Corporation Consolidation (General Powers) Order 1960(d); or

(iv) Part XXVII of the Dundee Corporation (Consolidated Powers) Order 1957(e); or

(v) Part VI B of the Aberdeen Corporation (General Powers) Order 1938(f), and sections 67 and 68 of the Aberdeen Corporation Order 1955(g); or

(vi) Schedule V of the Burgh Police (Scotland) Act 1892(h) by the Council of the Burgh of Paisley;

(*n*) vehicles provided for police purposes and maintained in workshops approved by the Minister of Transport as suitable for such maintenance, being vehicles provided in England and Wales by a police authority or the Receiver for the metropolitan police district, or, in Scotland, by a police authority or a joint police committee; and

(*o*) vehicles imported into Great Britain and to which section 66 of the Road Traffic Act 1960 applies by virtue of section 4(1) of the Road Traffic (Amendment) Act 1967(i), being vehicles owned by or in the service of the naval, military or air forces of Her Majesty raised in the United Kingdom and used for naval, military or air force purposes.

Exemption of the use of vehicles for certain purposes from test

5. The use of a motor vehicle for any of the following purposes is exempted from section 66(1) of the 1960 Act:—

(1) 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 65 of the 1960 Act, or acting on behalf of a person so authorised, or

(a) 1954 c. 17 (N.I.)
(b) 10 & 11 Vict. c. 89.
(c) See 1967 c.v.
(d) See 8 & 9 Eliz. 2. c. iii.
(e) See 6 & 7 Eliz. 2. c. iv.
(f) See 2 & 3 Geo. 6. c. iii.
(g) See 4 & 5 Eliz. 2. c. iii.
(h) 55 & 56 Vict. c. 55.
(i) 1967 c. 70.

(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.

(2) The use of a vehicle for any purpose for which it is authorised to be used on roads by an order under section 64 (4) of the 1960 Act 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.

(3) The use of a vehicle imported into Great Britain and to which section 66 of the Road Traffic Act 1960 applies by virtue of section 4 (1) of the Road Traffic (Amendment) Act 1967 whilst it is being driven after arrival in Great Britain on the journey from the place where it has arrived in Great Britain to a place of residence of the owner or driver of the vehicle.

(4) The use of a vehicle for the purpose of removing it in pursuance of section 20 of the Civic Amenities Act 1967(**a**), of moving or removing it in pursuance of regulations under section 20 of the Road Traffic Regulation Act 1967(**b**) as altered by the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967(**c**), or of removing it from a parking place in pursuance of an order under section 31 (1) of the Road Traffic Regulation Act 1967, an order relating to a parking place designated under section 35 thereof, or a provision of a designation order having effect by virtue of section 39 (2) thereof.

(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(**d**).

(7) The use of a vehicle for the purpose of testing it by a motor trader as defined in section 12 (10) of the Vehicles (Excise) Act 1962, to whom a trade licence has been issued under that section, during the course of, or after completion of repairs carried out to that vehicle by that motor trader.

Exemption of the use of vehicles in certain areas from test

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

(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

(**a**) 1967 c. 69. (**b**) 1967 c. 76.
(**c**) S.I. 1967/1900 (1967 III, p. 5191). (**d**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

of Great Britain by reason of the absence of any 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 the 18th March 1969.

(L.S.)

Richard Marsh,
Minister of Transport.

SCHEDULE

REGULATIONS REVOKED BY REGULATION 2

Column 1 Regulations Revoked	Column 2 References
The Motor Vehicles (Tests) (Exemption) Regulations 1961	S.I. 1961/209 (1961 I, p.358).
The Motor Vehicles (Tests) (Exemption) (Amendment) Regulations 1961	S.I. 1961/2108 (1961 III, p. 3860).
The Motor Vehicles (Tests) (Exemption) (Amendment) Regulations 1966	S.I. 1966/1240 (1966 III, p. 3372).
The Motor Vehicles (Tests) (Exemption) (Amendment) Regulations 1967.	S.I. 1967/261 (1967 I, p. 966).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the Motor Vehicles (Tests) (Exemption) Regulations 1961 and the amending Regulations specified in the Schedule to these Regulations, which create exemptions from the prohibition in section 66 of the Road Traffic Act 1960 against certain vehicles being used on roads unless test certificates have been issued in respect of them. The principal changes are:—

(1) certain vehicles licensed to ply for hire in Leicester and in Liverpool which were previously exempt from the requirement to have a test certificate are no longer exempt;

(2) the exemption from the requirement to have a test certificate for certain vehicles provided for police purposes is extended to include, in Scotland, vehicles provided by a joint police committee (Regulation 4);

(3) certain imported vehicles which will need test certificates after section 4 of the Road Traffic (Amendment) Act 1967 is brought into operation will on 1st

May 1969 be exempt from the requirement to have a test certificate while they are being used for the purpose of being driven from the place of their arrival in Great Britain to the residence of the owner or driver of the vehicle (Regulation 5 (3));

(4) certain vehicles are exempted for the purpose of testing them by a motor trader during the course of, or after completion of repairs carried out to those vehicles by that motor trader (Regulation 5 (7)).