1960 No. 1083

The Motor Vehicles (Tests) Regulations, 1960

Made - - - -	23*rd June*, 1960
Laid before Parliament	18*th July*, 1960
Coming into Operation	12*th September*, 1960

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The Minister of Transport (hereinafter referred to as "the Minister") in exercise of his powers under section 65 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 twelfth day of September, 1960, and may be cited as the Motor Vehicles (Tests) Regulations, 1960.

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);

"authorisation" means any authorisation in writing by the Minister of a person to carry out examinations of such classes of motor vehicles as may be specified therein and includes any such authorisation as is mentioned in paragraph (3) of Regulation 7 of these Regulations;

"designated council" means any council designated by the Minister for the purposes of section 65 of the Act of 1960, being the council of a county, of a borough, or of a large burgh (within the meaning of the Local Government (Scotland) Act, 1947(d));

"examination" means an examination of a motor vehicle for the purposes of section 65 of the Act of 1960;

"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;

(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) 10 & 11 Geo. 6. c. 43.

" light motor bicycle " means a motor bicycle of which the cylinder capacity of the engine does not exceed two hundred cubic centimetres ;

" light motor vehicle " means either a motor car the unladen weight of which does not exceed eight hundredweight or a motor cycle which is not a motor bicycle ;

" Ministry Inspector " means any certifying officer or public service vehicle examiner appointed under Part III of the Act of 1960, or any enactment repealed by that Act and any examiner appointed under Part IV of that Act or under any enactment so repealed, and any other person appointed by the Minister to act as a Ministry Inspector for the purposes of these Regulations ;

" motor bicycle " means a two wheeled motor cycle, whether having a sidecar attached thereto or not ;

" normal working week " means—

(*a*) in relation to an authorised examiner, the times of the week which in the application of that examiner to the Minister for an authorisation are specified as the normal working week of that examiner or such other times of the week as may subsequently be substituted for the times so specified by the examiner with the consent of the Minister ;

(*b*) in relation to a designated council, the times of the week notified to the Minister by that council as the times of the week during which they will accept vehicles for examination ; and

(*c*) in relation to the Minister, the times of the week during which at any vehicle testing station of the Minister he will accept vehicles for examination ;

" 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 ;

" the prescribed statutory requirements " has the meaning assigned to that expression by Regulation 9 of these Regulations ;

" 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 ;

" traffic area " means any such area as is a traffic area for the purposes of Part III of the Act of 1960, and " office ", in relation to such an area, means an office provided for the use of the Traffic Commissioners for that area ;

" vehicle testing station " means premises at which the Minister has authorised an examiner to carry out examinations or premises provided by a designated council or the Minister for carrying out examinations.

(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(a).

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

(a) 12, 13 & 14 Geo. 6. c. 89.

(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.

Application of Regulations

3.—(1) These Regulations apply to motor vehicles (not being track-laying vehicles) which are heavy motor cars, motor cars and motor cycles, except that they do not apply to—

(*a*) a goods vehicle the unladen weight of which exceeds thirty hundredweight;

(*b*) a public service vehicle adapted to carry eight or more passengers;

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

(*d*) a works truck, or

(*e*) a pedestrian controlled vehicle.

(2) For the purposes of these Regulations the motor vehicles to which these Regulations apply shall be classified as follows:—

Class I: Light motor bicycles,

Class II: Motor bicycles,

Class III: Light motor vehicles,

Class IV: Heavy motor cars and motor cars excluding vehicles in Class III,

and any reference in these Regulations to a class of motor vehicles shall be construed accordingly.

Applications for authorisations

4. Applications for authorisations may be made—

(*a*) by any individual proposing to carry out examinations otherwise than on behalf of any other person,

(*b*) by a partnership firm, or

(*c*) by a corporate body

and shall be made on a form approved by the Minister which shall be signed by the said individual in the case mentioned in (*a*) of this Regulation, or by a person duly authorised in that behalf in the cases mentioned in (*b*) and (*c*) of this Regulation.

5. The Minister may require a separate application to be made in respect of each of the premises at which the applicant for authorisation proposes to carry out examinations.

6. Every application for authorisation shall be made by sending the form on which it is made to the Minister at the office of the traffic area in which are situated the premises in respect of which that application is made.

Authorisations

7.—(1) When an application has been made in accordance with Regulations 4 to 6 of these Regulations, the Minister may, after making such investigations and carrying out such inspections as he may think fit, authorise the individual, firm or body by whom the application is made to be an examiner for the purposes of carrying out examinations of any class or classes of motor vehicles.

(a) 52 & 53 Vict. c. 63.

(2) The Minister may at any time, if he so thinks fit, authorise in writing any person to carry out examinations notwithstanding that the requirements of the foregoing provisions of these Regulations have not been complied with.

(3) Nothing in Regulations 4, 5 and 6, or in the foregoing provisions of this Regulation, shall affect any authorisation given by the Minister before the coming into operation of these Regulations and, without prejudice to the provisions of the Nineteenth Schedule to the Act of 1960, any document issued by the Minister (whether before or after the coming into operation of these Regulations) authorising a person to carry out, under section 1 of the Road Traffic Act, 1956(a), and regulations made thereunder, examinations of motor vehicles which under such regulations fall within such classes as may be specified in the authorisation shall have effect as if any reference therein to the said section 1 was a reference to section 65 of the Act of 1960.

Conditions to be complied with by authorised examiners

8. Subject to the provisions of these Regulations, every authorised examiner shall comply with such conditions, if any, as may be specified in the authorisation of that examiner and also with the following conditions:—

(*a*) the examiner shall carry out in accordance with these Regulations examinations of motor vehicles of any such class as is specified in the authorisation of that examiner and shall in all other respects comply with such of the provisions of these Regulations as apply to the examiner;

(*b*) the examiner shall arrange for examinations to be carried out or to be personally supervised, and for test certificates to be signed, by persons who are competent to act for such a purpose and who, if they are not the examiner or, where the examiner is a firm, a partner in that firm, are in the employment of the examiner and, in the event of the Minister giving notice to the examiner that in the opinion of the Minister any such person should not carry out or supervise examinations or sign certificates, the examiner shall arrange that that person shall no longer carry out or supervise examinations or sign certificates, as the case may be;

(*c*) the examiner shall as soon as practicable give notice to the Minister at the office of the traffic area in which is situated the vehicle testing station of that examiner of the names of all persons from time to time authorised in pursuance of arrangements made by the examiner in accordance with the last foregoing sub-paragraph to carry out or personally supervise examinations at that station or elsewhere and in either case to sign test certificates;

(*d*) the examiner shall put up and keep exhibited inside the vehicle testing station of that examiner in some conspicuous place so as to be legible to persons submitting vehicles for examination at that station—

(i) the authorisation in which that vehicle testing station is specified, and

(ii) a list of the names of the persons for the time being authorised to carry out or personally supervise examinations at that station and in either case to sign test certificates;

(*e*) the examiner shall put up and keep exhibited outside the vehicle testing station of that examiner in a conspicuous place a sign of the size, colour and type shown in the diagram set out in Part I of the

(a) 4 & 5 Eliz. 2. c. 67.

First Schedule to these Regulations and complying with the conditions specified in Part II of that Schedule;

(*f*) the examiner shall after not less than three clear days' notice given to that examiner by the Minister make the vehicle testing station of that examiner and the apparatus at that station with which examinations are carried out available for the purpose of an examination to be carried out by the Minister as a result of an appeal which has been made against the refusal of a test certificate (whether by that or any other authorised examiner or by an inspector appointed by a designated council or the Minister);

(*g*) the examiner shall as soon as practicable give notice to the Minister at the office of the traffic area in which is situated the vehicle testing station of the examiner—

(i) in a case where the examiner is the sole individual named in an authorisation, of his entering into any partnership with a view to carrying on a business which shall comprise the carrying out of examinations at that station; and

(ii) in a case where the examiner is a partnership firm, of any change in the constitution of that firm.

Prescribed statutory requirements for examinations

9.—(1) Subject to the provisions of these Regulations, every motor vehicle to which these Regulations apply submitted for examination in accordance with the provisions of these Regulations shall be examined for the purpose of ascertaining whether the statutory requirements specified in the Second Schedule to these Regulations (except any such requirement as, by virtue of any provision in the regulation containing that requirement, does not apply to that vehicle) are at the date of the examination complied with in relation to that vehicle.

(2) The statutory requirements specified in the said Second Schedule are in these Regulations referred to as "the prescribed statutory requirements" and for the purposes of these Regulations the applicability of any such statutory requirement to a vehicle at the date of its examination shall not be affected by paragraph (8) of Regulation 4 of the Motor Vehicles (Construction and Use) Regulations, 1955, as amended.

Application for examinations

10.—(1) Any person wishing to have an examination of a motor vehicle to which these Regulations apply carried out may make an application for that purpose in accordance with the following provisions of this Regulation to—

(*a*) an authorised examiner,

(*b*) a designated council, or

(*c*) the Minister.

(2) Any such application may be made—

(*a*) by requesting the examiner, the council or the Minister to make an appointment for the carrying out of the examination, or

(*b*) by submitting the vehicle for examination at a vehicle testing station of the examiner, the council or the Minister otherwise than by prior appointment.

Any request under sub-paragraph (*a*) of this paragraph for such an appointment shall be made either orally by telephone to, or in person at a vehicle testing station of, and during the normal working week of, the examiner, the council or the Minister, or by sending it in writing addressed to the examiner, the council or the Minister, at such a vehicle testing station.

Where under sub-paragraph (*b*) of this paragraph the vehicle is to be submitted for examination at a vehicle testing station of the examiner, the council or the Minister, it shall be so submitted there during the normal working week of the examiner, the council or the Minister.

(3) Subject to the following provisions of these Regulations, authorised examiners and designated councils shall ensure that,—

(*a*) where in accordance with the foregoing provisions of this Regulation an appointment is requested for the carrying out of an examination, an appointment is forthwith offered for the carrying out of the examination at the earliest time at which it is reasonably practicable for the examination to be carried out during the normal working week of the examiner or council;

(*b*) where in accordance with the foregoing provisions of this Regulation a vehicle is submitted for examination at a vehicle testing station of an examiner or designated council without any appointment for the carrying out of the examination having been previously made, the applicant is informed either that the examination can be carried out forthwith or, if not, of the earliest time at which it is reasonably practicable for the examination to be carried out during the normal working week of the examiner or council;

(*c*) except in so far as prevented by circumstances beyond the control of the examiner or council, examinations are carried out in accordance with the appointments made or the information given in pursuance of the preceding provisions of this paragraph or at such other times as may be arranged between the applicant and the examiner or council.

(4) On an appointment being made or a time being arranged for the carrying out of an examination in accordance with the foregoing provisions of this Regulation, the authorised examiner or the designated council, as the case may be, shall record the hour and the date thereof and the name of the person by whom the application for the examination is made:

Provided that no such record need be made in a case where a vehicle is submitted for examination at a vehicle testing station of an examiner or designated council, without any appointment for the carrying out of the examination having been previously made, and the examination is carried out forthwith.

(5) Any authorised examiner and any inspector appointed by a designated council or the Minister may carry out an examination of a motor vehicle in accordance with the provisions of these Regulations notwithstanding that the foregoing provisions of this Regulation have not been complied with.

(6) Nothing in this Regulation shall be taken as entitling an authorised examiner to carry out at a vehicle testing station specified in an authorisation of that examiner an examination of a vehicle not falling within a class of motor vehicles specified in that authorisation or as imposing on a designated council or an inspector appointed by such a council any obligation with respect to the carrying out of an examination of a vehicle not falling within a class of motor vehicles which that council have for the time being notified the Minister will be examined by inspectors appointed by that council.

Requirements as to vehicles submitted for examinations

11. An authorised examiner and an inspector appointed by a designated council or the Minister shall not be under any obligation to carry out an

examination of a motor vehicle in any of the following cases, that is to say,—

(*a*) where on the submission of a vehicle for an examination the applicant for the examination does not, after being requested to do so, produce the registration book relating to the vehicle or other evidence as to the date of its first registration ;

(*b*) where the vehicle or any part thereof or any of its equipment is in such a dirty condition as to make it unreasonably difficult for the examination to be carried out in accordance with the provisions of these Regulations ;

(*c*) where the examiner or inspector is not able with the facilities and apparatus available to that examiner or inspector at the vehicle testing station 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 provided with fuel and oil to enable it to be driven to such extent as may be necessary for the purposes of the carrying out of the examination ;

(*d*) where the examiner or inspector is not able with the facilities and apparatus available to that examiner or inspector at the vehicle testing station at which the examination would otherwise be carried out to complete the examination without the vehicle being driven on a public road and the vehicle cannot be so used without contravention of section 15 of the Vehicles (Excise) Act, 1949, because no licence under that Act is in force for the vehicle ; or

(*e*) where before the carrying out of an examination of a motor vehicle all or any goods or other things which are on the vehicle and are not part of its equipment or accessories are required to be removed from the vehicle or to be secured in such manner as the examiner or inspector may think necessary and the goods or things are not removed or secured accordingly.

Manner of carrying out examinations, etc.

12.—(1) Subject to the provisions of these Regulations, the provisions of the Third Schedule to these Regulations shall have effect for the purpose of regulating the manner in which, conditions under which, and apparatus with which examinations are to be carried out by authorised examiners or by inspectors appointed by designated councils or the Minister.

(2) Authorised examiners and designated councils shall ensure that all apparatus used in accordance with the said Schedule shall be maintained by them in an efficient state and, in the case of any such apparatus designed to indicate any measurement, that such apparatus shall do so accurately within reasonable limits.

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

13.—(1) Where a motor vehicle has been submitted for an examination to be carried out by an authorised examiner or an inspector appointed by a designated council or the Minister, the authorised examiner, designated council or the Minister (as the case may be) shall have the same responsibility for—

(*a*) loss of or damage to the vehicle or its equipment or accessories occurring in connection with the carrying out of the examination or during any period while the vehicle is, in connection with the carrying out of the examination, in the custody of the examiner, council or the Minister (as the case may be), and

(*b*) loss of or damage to any other property or personal injury (whether fatal or not), being loss, damage or injury arising out of the use of the vehicle in connection with the carrying out of the examination,

as would rest on a person who, having the same facilities for carrying out the examination as are available to the person who is to carry out the examination, had undertaken for payment to accept the custody of the vehicle and to carry out the same examination under a contract making no express provision with respect to the incidence of liability as between the parties thereto for any such loss, damage or injury as aforesaid.

(2) No person submitting a vehicle for an examination or having an interest in such a vehicle shall be requested or required by an authorised examiner, a designated council or the Minister either directly or indirectly to accept any responsibility for, or to give any release or indemnity in respect of, any loss, damage or injury for which the examiner, council or Minister (as the case may be) are responsible under paragraph (1) of this Regulation.

(3) Nothing in the foregoing provisions of this Regulation shall preclude any person from being requested or required to accept any responsibility for, or to give a release or indemnity in respect of,—

(*a*) loss of or damage to a vehicle or its equipment or accessories occurring during any period while the vehicle is in the custody of an authorised examiner, a designated council or the Minister after the time when the vehicle is required to be removed from such custody in pursuance of the provisions of paragraph (1) of Regulation 19 of these Regulations or after such earlier time as may be provided for that purpose by such an agreement as is mentioned in paragraph (2) of the said Regulation 19, or

(*b*) loss, damage or injury arising out of the carrying out by an authorised examiner, at the request of the person submitting the vehicle for an examination or of a person having an interest in the vehicle, of repairs to the vehicle or of repairs or replacements of its equipment or accessories.

(4) In this Regulation,—

(*a*) references to an examination, in relation to a vehicle which, after the carrying out of an examination, remains in the custody of an authorised examiner, a designated council or the Minister in order that a further examination of that vehicle may be carried out, include references to that further examination, and

(*b*) references to a period while a vehicle is in the custody of a designated council or the Minister include references to any period while a vehicle is, in connection with the carrying out of an examination of the vehicle by an inspector appointed by such a council or the Minister, in the control or care of such an inspector.

Results of examinations

14.—(1) Subject to the provisions of these Regulations, authorised examiners and inspectors appointed by a designated council or the Minister after an examination of a motor vehicle is completed shall,—

(*a*) where it is found on the examination that the prescribed statutory requirements are complied with in relation to the vehicle, issue a test certificate ; or

(*b*) where it is not so found on the examination, issue a notification of the refusal of a test certificate.

(2) Subject to the provisions of these Regulations,—

(*a*) every test certificate shall be in the form in, and contain the particulars required by, Part I of the Fourth Schedule to these Regulations, and

(*b*) every notification of refusal of a test certificate shall be in the form in, and contain the particulars required by, Part II of the said Fourth Schedule.

(3) Every test certificate and notification of the refusal of a test certificate issued in accordance with the provisions of this and the next following Regulation shall be signed,—

(*a*) where the examination is wholly carried out by or personally supervised by—

(i) an employee of an authorised examiner, by that employee,

(ii) a partner in a partnership firm, by that partner,

(iii) an authorised examiner who is an individual, by that examiner; and

(*b*) where the examination is carried out by an inspector appointed by a designated council or the Minister, by that inspector who shall specify the authority by whom he has been appointed as inspector.

Refusal of a test certificate where braking test cannot be carried out

15.—(1) Where in the course of an examination of a motor vehicle carried out by an authorised examiner or an inspector appointed by a designated council or the Minister it is found that there are such defects in the construction or condition of the vehicle or its equipment or accessories that to carry out a braking test of the vehicle, either by the vehicle being driven on a road or in any other way in which that test can be carried out by that examiner or inspector with the facilities and apparatus available to that examiner or inspector at the vehicle testing station at which the examination is being carried out, would be likely to cause danger to any person or damage to the vehicle or any other property, the examiner or inspector shall not be under any obligation to carry out the braking test but shall complete the rest of the examination in accordance with the provisions of these Regulations.

(2) Where in any such case as is mentioned in paragraph (1) of this Regulation an examiner or inspector does not carry out a braking test of a vehicle, the examiner or inspector shall issue a notification of the refusal of a test certificate specifying as the grounds of such refusal that the examiner or inspector could not safely carry out a full examination of its braking system or systems and any other ground there may be for such refusal and the said notification shall be in the form in, and contain the particulars required by, Part III of the Fourth Schedule to these Regulations.

(3) In this Regulation "braking test", in relation to a vehicle, means that part of the examination of that vehicle which is required or authorised to be carried out in accordance with paragraph 5 of the Third Schedule to these Regulations.

Fees for examinations

16. Fees shall be payable on applications for examinations in accordance with the provisions contained in the Fifth Schedule to these Regulations.

Appeal on refusal of a test certificate

17.—(1) Subject to the following provisions of these Regulations, where a notification of the refusal of a test certificate has been issued, any person aggrieved by the refusal or the grounds thereof may appeal to the Minister

and every such appeal shall be lodged at the office of any traffic area not later than fourteen days from the date of the said notification:

Provided that the Minister may, in his discretion and having regard to the circumstances of a particular case, accept and deal with any appeal notwithstanding it was not lodged as aforesaid within the period of fourteen days.

(2) Every such appeal shall be made on a form approved by the Minister and shall contain the particulars required by that form.

(3) As soon as reasonably practicable after the date of the receipt of the appeal, the Minister shall send a notice stating where and when an examination for the purposes of the appeal is to take place addressed to the appellant at the address of the appellant stated in the form of appeal.

(4) The place to be selected by the Minister for the examination for the purposes of the appeal may be either a vehicle testing station or such other place as the Minister may consider convenient for the purpose of carrying out that examination.

(5) The vehicle shall be submitted for examination at the place and time specified in the notice sent to the appellant under paragraph (3) of this Regulation, unless arrangements are made with the agreement of the Minister for the carrying out of the examination at some other place and time.

(6) On the submission of a motor vehicle for an examination for the purposes of an appeal the person submitting the vehicle for an examination shall, if requested to do so by the officer appointed by the Minister to carry out the examination,—

(*a*) produce to that officer,—

(i) the notification of the refusal of a test certificate issued as a result of the examination in connection with which the appeal is made, and

(ii) the registration book relating to the vehicle or other sufficient evidence of the date of its first registration, and

(*b*) give that officer such information as he may reasonably require in connection with the carrying out of the examination relating to any alteration made or repairs carried out, or any accident or other event occurring, since the date of the said notification, which may have affected the vehicle or its equipment or accessories

and the said officer shall not be required to carry out the examination unless the said notification, registration book or other such evidence as aforesaid is produced and such other information as aforesaid is given.

(7) Subject to the following provisions of this Regulation, upon completion of the said examination the said officer shall on behalf of the Minister either issue a test certificate or a notification of the refusal of a test certificate stating the grounds thereof.

(8) The provisions of paragraphs (*b*), (*c*), (*d*) and (*e*) of Regulation 11 and Regulations 12, 13 and 15 of these Regulations shall apply in relation to an examination for the purposes of an appeal as they apply in relation to other examinations, as if references therein to an inspector appointed by the Minister were references to the officer carrying out the examination for the purposes of the appeal and as if references therein to a vehicle testing station were references to the place selected by the Minister for the examination for the purposes of the appeal.

(9) Test certificates and notifications of the refusal of a test certificate issued under the foregoing provisions of this Regulation,—

(*a*) shall be in the same form and contain the same particulars as are appropriate in the case of test certificates and notifications of the refusal of a test certificate issued under the foregoing provisions of these Regulations by inspectors appointed by the Minister, subject nevertheless to such modifications as may be appropriate in the case of such test certificates and notifications of the refusal of a test certificate, and

(*b*) shall be signed on behalf of the Minister by the officer carrying out the examination for the purposes of the appeal.

Fees on appeals

18.—(1) Subject to the following provisions of this Regulation, the fees payable on appeals made in accordance with the last preceding Regulation shall be as follows, that is to say,—

(*a*) where the vehicle the subject of an appeal is a motor bicycle, not having a sidecar attached thereto, a fee of seventeen shillings and sixpence; and

(*b*) where the vehicle the subject of the appeal is any other motor vehicle to which these Regulations apply, a fee of twenty-five shillings.

(2) Every such fee shall be paid by the appellant to the Minister at the same time as the appeal is lodged with the Minister in accordance with paragraph (1) of Regulation 17 of these Regulations and if the said fee is not paid as aforesaid, the Minister shall not be required to proceed with the appeal.

(3) After the completion of the examination for the purposes of the appeal the Minister may repay to the appellant, as he thinks fit, either the whole or a part of the fee paid on the appeal, where it appears to him there were substantial grounds for contesting the whole or part of the decision appealed against.

(4) A fee payable on an appeal in accordance with the foregoing provisions of this Regulation shall be payable notwithstanding that the vehicle is not submitted for examination in accordance with the provisions contained in paragraph (5) of Regulation 17 of these Regulations:

Provided that if the appellant has before the time fixed under the said Regulation 17 for the carrying out of the examination given the Minister not less than two clear days' notice (whether in writing or otherwise) at the office of the traffic area at which his appeal was lodged or, if he has received such a notice as is specified in paragraph (3) of Regulation 17 of these Regulations, at the address specified in that notice as the address to which any communication relating to the appeal is to be sent, that the appellant does not propose to submit the vehicle for examination at that time, the appeal shall be treated for the purposes of this Regulation as one in respect of which no fee is payable and any amount previously paid in respect of such a fee shall be repaid by the Minister to the appellant unless another time is arranged for the carrying out of the examination.

Removal of vehicles submitted for examination

19.—(1) Where a motor vehicle has been submitted for an examination at a vehicle testing station of an authorised examiner, a designated council

or the Minister, the person by whom the vehicle has been so submitted shall cause it to be removed from the custody of the examiner, council or the Minister, as the case may be,—

(*a*) where an appointment or arrangement has been made for the carrying out of the examination on a particular day and the examination has been completed on or before that day, before the end of the second day after that day, or

(*b*) in any other case, before the end of the second day after the day on which the person submitting the vehicle for examination receives notice (whether in writing or not)—

(i) that the examination has been carried out, or

(ii) in a case where the examination is not carried out by reason of any of the provisions of Regulation 11 of these Regulations, that he is to remove the vehicle from the custody of the examiner, council or Minister (as the case may be).

(2) The foregoing provisions of this Regulation are subject to any agreement made with an authorised examiner, a designated council or the Minister the effect of which is either that a vehicle submitted for an examination is to remain in the custody of the examiner, council or the Minister after the time at which it would otherwise be required to be removed from such custody by virtue of the foregoing provisions of this Regulation or that such a vehicle is to be removed from such custody before that time.

(3) In this Regulation,—

(*a*) references to an examination, in relation to a vehicle which, after the carrying out of an examination, remains in the custody of an authorised examiner, a designated council or the Minister in order that a further examination of that vehicle may be carried out, include references to that further examination, and

(*b*) references to a vehicle as being in the custody of a designated council or the Minister include references to a vehicle which is, in connection with the carrying out of an examination by an inspector appointed by such a council or the Minister, in the control or care of such an inspector.

Payments to examiners and councils

20. Where arrangements are made between the Minister and an authorised examiner or a designated council for the carrying out at a vehicle testing station of that examiner or council of an examination for the purposes of an appeal under Regulation 17 of these Regulations, an amount equal to one half of the amount payable on that appeal shall be payable by the Minister to that examiner or council, as the case may be, in respect of the use of the station and apparatus thereat to be made available under the said arrangements:

Provided that the said amount shall not be payable—

(*a*) if the Minister gives the examiner or council not less than one clear day's notice (whether in writing or otherwise) that the examination is not to take place in accordance with the said arrangements, or

(*b*) if the examiner or council, as the case may be, does not make the testing station and the apparatus thereat available to the Minister to his reasonable requirements.

Records to be kept and returns to be furnished by examiners and councils

21.—(1) Authorised examiners and designated councils shall keep at each of their respective vehicle testing stations a register relating to all examinations carried out at that station in accordance with the provisions of these Regulations and each such register shall be kept in the form in, and contain the particulars required by, the Sixth Schedule to these Regulations.

(2) The said register shall be kept in duplicate and the particulars required to be contained therein shall be inserted therein as soon as practicable after each examination has been carried out.

(3) On the first day of each month, or within seven days thereafter, each authorised examiner and designated council shall send to the Minister at the office of the traffic area in which is situated the vehicle testing station at which the register is kept,—

(*a*) one copy of the register containing all the entries made therein relating to any examination as a result of which a test certificate or a notification of the refusal of a test certificate has been issued during the month immediately preceding the said first day, or

(*b*) if no such certificate or notification has been issued a notice to that effect.

(4) Subject to the following provisions of these Regulations, the other copy of the register shall be preserved by the examiner or council at the station at which the examinations to which it relates are carried out for a period sufficient to ensure that upon the inspection at any time of that register under Regulation 23 of these Regulations the entries relating to any examination carried out within the last preceding eighteen months will be available for inspection.

(5) Subject to the following provisions of these Regulations, each authorised examiner and designated council shall ensure that upon the issue by that examiner or an inspector appointed by that council of a test certificate or of a notification of the refusal of a test certificate, a copy of that certificate or notification is made and preserved at that station for a period of not less than eighteen months.

Applications for duplicate test certificates

22.—(1) If a test certificate has been lost or defaced, an application for the issue of a duplicate of the original certificate may be made—

(*a*) in a case where the original certificate was issued not more than eighteen months previously by an authorised examiner at a vehicle testing station specified in an authorisation of that examiner which has not ceased to have effect, to that examiner at that station,

(*b*) in a case where the original certificate was issued not more than eighteen months previously by an inspector appointed by a designated council whose designation has not been revoked, to that council,

(*c*) in a case where the original certificate was issued by an inspector appointed by the Minister at a vehicle testing station of the Minister, to the Minister at that station, or

(*d*) in any other case, to the Minister at the office of the traffic area in which is situated the vehicle testing station or other place at which the certificate was issued.

(2) The examiner, council or Minister to whom any such application as aforesaid is made shall cause a search to be made in the copies of test certificates and other records in their possession and upon tracing sufficient particulars of the certificate to which the application relates to enable a duplicate thereof to be issued and on being paid a fee of two shillings shall cause such a duplicate to be issued which shall be marked "Duplicate" and the duplicate so issued shall have the same effect as the original test certificate:

Provided that no such search need be made if the applicant does not furnish with his application either the serial number of the original certificate or the approximate date of the issue thereof, and (in the case specified in sub-paragraph (*d*) of paragraph (1) of this Regulation) also either the address or identification number of the vehicle testing station at which the original certificate was issued.

Inspection of premises, apparatus and records

23. A Ministry Inspector may at any time, during the normal working week of an authorised examiner or a designated council, on production if so required of his authority, enter any vehicle testing station of that examiner or council and upon such entry he shall be entitled—

(*a*) to inspect the station and the apparatus provided at the station for the purpose of carrying out examinations and watch any examination which may be taking place including any part of the examination which is carried out on a road or elsewhere than at the station,

(*b*) to satisfy himself as to the efficiency of such apparatus and, in the case of apparatus designed to give an indication of a measurement, to require evidence to be furnished to him that it will do so accurately within reasonable limits,

(*c*) to inspect all registers and copies of test certificates and copies of the notifications of the refusal of test certificates which are required to be kept or preserved at that station in accordance with paragraphs (1), (4) and (5) of Regulation 21 of these Regulations, and

(*d*) to be furnished with such information as he may reasonably require with respect to any of the aforesaid matters.

Forms

24.—(1) The Minister may prepare and supply for use for the purposes of these Regulations any form which by these Regulations is required to be approved by him or which is required for use as a test certificate, a notification of the refusal of a test certificate or for the purposes of constituting the register required to be kept under Regulation 21 of these Regulations, and may include on any such form such additional matter as he may consider to be of assistance to persons making use of those forms or to persons to whom such forms may be issued when completed and no form other than one so prepared and supplied shall be used in any such case as aforesaid.

(2) Notwithstanding anything in these Regulations, forms (including, in particular, forms of test certificates and notifications of the refusal of a test certificate) which contain references to the Road Traffic Act, 1956, or to any provision of that Act or of any other enactment repealed by the Act of 1960 in a context where references to the Act of 1960 or, as the case may be, the corresponding provision of the Act of 1960 would be appropriate, may be used by the Minister, and may be supplied by him to and

be used by other persons, for any purpose of these Regulations and (without prejudice to the operation of paragraph 3 of the Nineteenth Schedule to the Act of 1960) such forms when so used shall have effect as if the said references therein were references to the Act of 1960 or, as the case may be, to the corresponding provision of the Act of 1960.

(3) The Minister may make a charge of one shilling for each form of test certificate supplied for use for the purposes of these Regulations.

Duration and withdrawal of authorisations

25.—(1) An authorisation of an examiner shall cease to have effect on the occurrence of any of the following events,—

(*a*) where the person specified in the authorisation is an individual, the death or bankruptcy of that individual ;

(*b*) where the person specified in the authorisation is a partnership firm, the dissolution of that firm ;

(*c*) where the person specified in the authorisation is a body corporate, the making of an order or the passing of a resolution for the winding up of that body, not being a winding up for the purpose of amalgamation or reconstruction.

For the purposes of sub-paragraph (*a*) of this paragraph, the reference to the bankruptcy of an individual is a reference to the making of a receiving order against him, his presenting a petition in bankruptcy and his making an arrangement with or assignment in favour of his creditors and in Scotland is a reference to the award of sequestration of his estates, his presenting a petition for sequestration of his estates or his entering into a composition or arrangement with his creditors.

(2) An authorised examiner may at any time give notice to the Minister stating that after such date as may be specified in the notice that examiner does not propose to continue to act as an authorised examiner either under all the authorisations of that examiner or under such authorisation of that examiner as may be specified in the notice and any authorisation to which the said notice relates shall cease to have effect on the date so specified in relation to that authorisation.

(3) The Minister may at any time give notice to an authorised examiner withdrawing either all the authorisations of that examiner, or such of them as may be specified in the notice, on such date as may be so specified and, subject to the provisions of the next following paragraph of this Regulation, any authorisation to which the notice relates shall cease to have effect on the date so specified :

Provided that except in a case where the Minister considers it necessary, and it is specified in the notice that he considers it necessary, that any authorisation to which the notice relates shall be withdrawn on an earlier date, the date to be specified in any such notice shall not be earlier than twenty-eight days after the date of the notice.

(4) If within fourteen days from the date of the giving of any such notice as is mentioned in the last foregoing paragraph the Minister receives from the authorised examiner to whom that notice is given, or from any person acting on behalf of that examiner, representations to the effect that any authorisation to which that notice relates should not have been or should not be withdrawn the Minister shall take such representations into consideration and make such investigations with respect thereto as he may think fit.

Forms and documents to be returned to Minister

26.—(1) If at any time an authorisation of an examiner ceases to have effect or the designation of a council is revoked, the examiner or the council, as the case may be, shall send to the Minister at the office of the traffic area in which is situated the vehicle testing station specified in the authorisation ceasing to have effect or the vehicle testing station of the council all the following documents which are then in the possession of the examiner or the council, that is to say, all unused forms of test certificates, of notifications of the refusal of test certificates, and of registers, and all copies of test certificates, of notifications of the refusal of test certificates and of registers which have been preserved by the examiner or council in accordance with the provisions of Regulation 21 of these Regulations and, in a case where an authorisation of an examiner ceases to have effect, that authorisation:

Provided that where an authorisation of an examiner ceases to have effect but some other authorisation of that examiner continues in force the Minister may consent to the retention by that examiner of all or any of the said documents.

(2) On receipt by the Minister of any unused forms of test certificate sent to him in accordance with the last preceding paragraph, the Minister shall repay to the authorised examiner or the authorised representatives of that examiner, or to the council, as the case may be, such amount as may have been paid to the Minister for the supply of the said forms.

(3) The Minister may in respect of each unissued form of test certificate which is returned to him as having been cancelled because it has been spoilt or defaced pay the sum of one shilling to the authorised examiner or designated council by whom the form is so returned.

Provisions as to notices under Regulations

27.—(1) Except as otherwise provided in these Regulations, every notice under these Regulations shall be in writing and may be given by post and where such a notice is given by the Minister to an authorised examiner by post shall be addressed to that examiner at the registered office of that examiner in a case where that examiner is a body corporate having such an office, and in any other case at the place specified in the authorisation of that examiner as the principal place of business of that examiner.

(2) For the purposes of calculating the period of any notice which may be given under paragraph (*f*) of Regulation 8, paragraph (4) of Regulation 18 and Regulation 20 of these Regulations Saturdays, Sundays and public holidays shall be excluded from that period.

Given under the Official Seal of the Minister of Transport this twenty-third day of June 1960.

(L.S.)

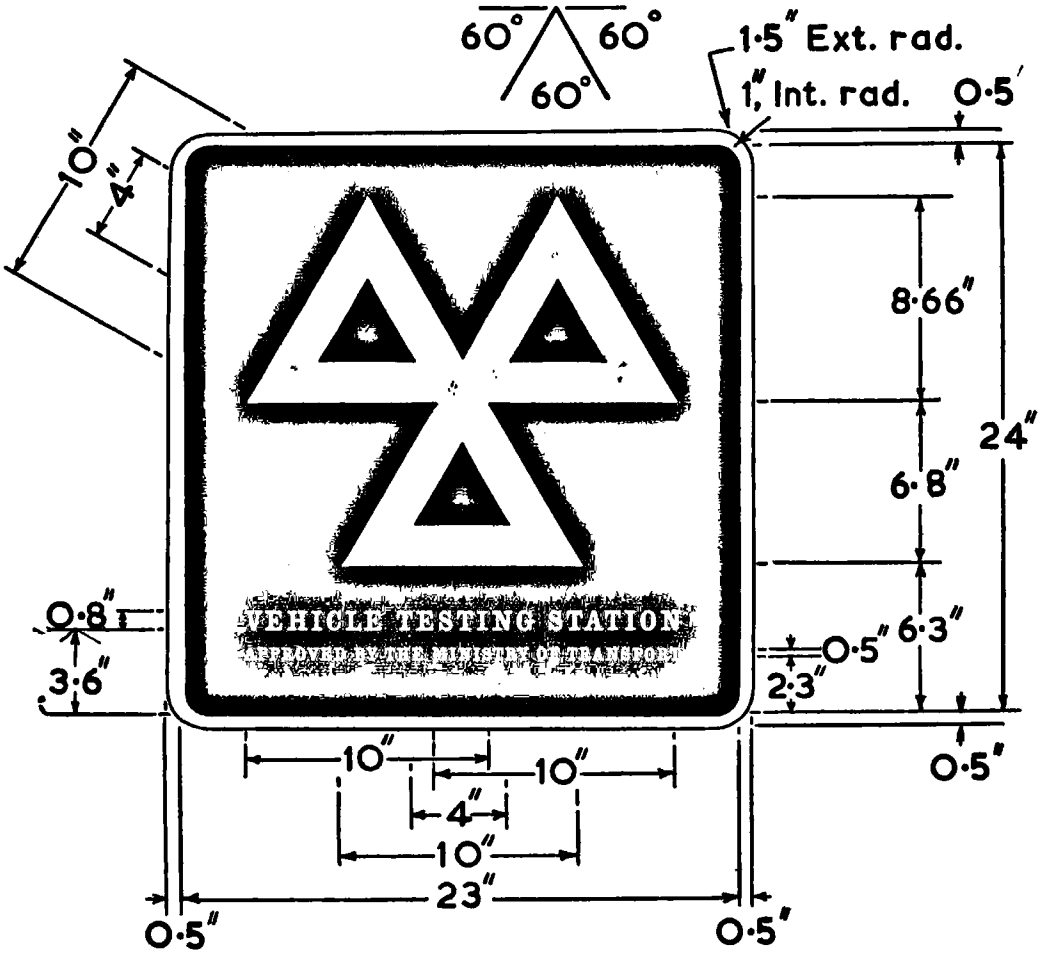
Ernest Marples,
The Minister of Transport.

FIRST SCHEDULE (see Regulation 8)

SIGN TO BE DISPLAYED BY AUTHORISED EXAMINERS

PART I

DIAGRAM SHOWING SIZE, COLOUR AND TYPE OF SIGN TO BE DISPLAYED BY AUTHORISED EXAMINERS



PART II

CONDITIONS AS TO ERECTION OF SIGN SHOWN IN PART I OF THIS SCHEDULE

1. The sign shall be securely fixed flat against a wall of the vehicle testing station.

2. The sign shall be so exhibited that no part thereof is above the fascia level of the vehicle testing station or above fifteen feet from the ground, whichever is the lower.

3. Not more than one sign shall be displayed on each road frontage.

SECOND SCHEDULE (see Regulation 9)

THE PRESCRIBED STATUTORY REQUIREMENTS

The statutory requirements which are prescribed for the purposes of an examination of a motor vehicle are as follows:—

(1) The requirements contained in the following provisions of the Motor Vehicles (Construction and Use) Regulations, 1955, as amended (which relate to the braking system or systems of motor vehicles), that is to say,

Regulation 10;

paragraphs (1) and (1B) of Regulation 39;

paragraphs (1) and (1B) and sub-paragraph (*a*) of paragraph (1C) of Regulation 44;

paragraphs (1) and (3) and sub-paragraph (*a*) of paragraph (4) of Regulation 47;

paragraph (1) of Regulation 76;

the Sixth Schedule.

(2) The requirements contained in paragraph (2) of Regulation 76 of the said Motor Vehicles (Construction and Use) Regulations (which relate to the steering gear of motor vehicles).

(3) the requirements relating to the lighting equipment and reflectors of motor vehicles contained in Regulations 24A and 76A of the said Motor Vehicles (Construction and Use) Regulations excepting such of those requirements as relate to the matters specified in Regulations 11, 14, 15, 21, 22 and 23 of the Road Vehicles Lighting Regulations, 1959(a).

THIRD SCHEDULE (see Regulation 12)

MANNER AND CONDITIONS OF CARRYING OUT EXAMINATIONS OF MOTOR VEHICLES AND APPARATUS TO BE USED

PART I

General

1. In this Schedule—

(*a*) "braking requirements", in relation to any vehicle, means such of the prescribed statutory requirements specified in paragraph (1) of the Second Schedule to these Regulations as are applicable to that vehicle;

(*b*) "steering requirements", in relation to any vehicle, means such of the prescribed statutory requirements as are specified in paragraph (2) of the said Second Schedule;

(*c*) "lighting requirements", in relation to any vehicle, means such of the prescribed statutory requirements specified in paragraph (3) of the said Second Schedule as are applicable to that vehicle;

(*d*) "examiner" means the person carrying out or personally supervising in accordance with these Regulations the examination of a motor vehicle.

2. In carrying out an examination of a motor vehicle in accordance with the following provisions of this Schedule, every part of the vehicle and its equipment and accessories to be examined shall be examined under a sufficient light and, where it is necessary to do so to enable any such part, equipment or accessory to be efficiently examined, the vehicle shall be placed over an inspection pit or elevated on a hoist or ramp or otherwise raised or suspended.

PART II

Braking Requirements

3. The examination of a motor vehicle to ascertain whether the braking requirements are complied with shall be carried out in accordance with the following provisions of this Part of this Schedule.

(a) S.I. 1959/1869 (1959 II, p. 2381).

4. The vehicle shall be examined to ascertain whether it is equipped with such a braking system or systems that the braking requirements are complied with and in particular to ascertain whether—

(*a*) brake rods and cables are in good condition, properly adjusted and are working freely and without rubbing or chafing on other parts of the vehicle;

(*b*) hydraulic and air systems are in good condition, properly adjusted, are free from visible leaks in pipes and cylinders and their connections and are not rubbing or chafing on other parts of the vehicle;

(*c*) hydraulic systems are, so far as can be judged from the feel on application of the pedal, free from air;

(*d*) bolts and clevis pins are in a good condition and are secured by nuts or split pins as the case may be;

(*e*) hand brake pawls and ratchets are in good condition and can hold the lever securely in the "on" position;

(*f*) foot pedals and hand levers have a reasonable amount of reserve travel when fully applied;

(*g*) brake drums and hubs are free from visible evidence of oil leakage which might indicate that the brake linings have become affected;

(*h*) there is any such lack of balance in the application of the brakes to the wheels as to cause or to be likely to cause serious pulling to one side;

(*i*) there is any other evident defect in the vehicle or its equipment by reason of which the braking requirements are not complied with.

5.—(1) Subject to Regulation 15 of these Regulations, the examination of the braking system or systems of the vehicle shall include a test of the braking efficiency of its brakes to ascertain whether they have the braking efficiency required by the braking requirements (hereafter referred to as "the requisite braking efficiency").

(2) If the vehicle is a vehicle in Class I or II the said test shall be carried out in such one or more of the following ways as the examiner may think fit,—

(*a*) by using a suitable apparatus to measure the force required to pull the vehicle along the ground while a person seated in its saddle is applying the brakes and determining by reference to that force when expressed as a percentage of the weight of the vehicle and its rider and any load carried thereon at the time whether the brakes have the requisite braking efficiency;

(*b*) by the vehicle being placed with a person seated in its saddle on a sloping platform and determining by reference to the steepness of the slope of the platform at which the brakes of the vehicle when applied by that person will hold the vehicle and its rider on the platform whether the brakes have the requisite braking efficiency;

(*c*) by using such a brake testing apparatus as may be suitable in relation to the vehicle to measure the braking force which is developed when the brakes of the vehicle are applied and determining by reference to that force when expressed as a percentage of the weight of the vehicle including any person or load carried thereon at the time whether the brakes have the requisite braking efficiency.

(3) If the vehicle is a vehicle in Class III or IV the test of the braking efficiency of its brakes shall be carried out in one or both of the following ways as the examiner may think fit,—

(*a*) by the brakes being applied while the vehicle is being driven on a road or any other suitable place and by using a suitable decelerometer to measure the braking efficiency of those brakes when they are so applied and determining by reference to that braking efficiency whether the brakes have the requisite braking efficiency;

(*b*) by using such a brake testing apparatus as may be suitable in relation to the vehicle to measure the braking force developed when the brakes are applied and determining by reference to that force when expressed

as a percentage of the weight of the vehicle including any person or load carried in the vehicle at the time whether the brakes have the requisite braking efficiency.

(4) Subject to Regulation 15 of these Regulations, a test of the brakes of a vehicle carried out in accordance with any of the foregoing provisions of this paragraph may, if the examiner thinks fit, be supplemented by a further test by the vehicle being driven on a road or any other suitable place and by its brakes being applied while it is being so driven for the purpose of determining by observation of the effects of such application whether any one or more of the braking requirements are complied with.

(5) In this paragraph—

(*a*) references to the brakes of a vehicle being applied are references to its brakes being applied by the means of operation provided for that purpose and, where a vehicle has more than one means of operation, are references to its brakes being applied by each of those means of operation being used separately to apply the brakes;

(*b*) "brake testing apparatus" means apparatus designed and constructed to measure the braking force developed when the brakes of a motor vehicle are applied, and

(*c*) "decelerometer" means an apparatus designed and constructed to measure the braking efficiency of the brakes of a motor vehicle when those brakes are applied while the vehicle is being driven.

PART III

Steering Requirements

6. The examination of a motor vehicle to ascertain whether the steering requirements are complied with shall be carried out in accordance with the following provisions of this Part of this Schedule.

7. The vehicle shall be examined to ascertain whether its steering gear complies with the steering requirements and in particular to ascertain whether—

(*a*) in the case of a vehicle in Class I or II—

(i) the front forks and handle-bars are firm and have no excessive play;

(ii) the wheel bearings are free from excessive slackness;

(iii) the wheels and the sidecar (if fitted) are properly aligned;

(iv) there is any other evident defect in the vehicle or its equipment by reason of which the steering requirements are not complied with.

(*b*) in the case of a vehicle in Class III or IV—

(i) the track rod, steering arm and drag link joints are in good condition and free from excessive stiffness or wear, and all securing nuts and split pins are in position;

(ii) the steering box is securely attached;

(iii) the king pins and bushes are free from excessive stiffness or wear;

(iv) the front wheel hub bearings are properly adjusted and not obviously defective;

(v) there is freedom of movement overall in the steering gear without excessive play or slackness as indicated by the free movement at the steering wheel;

(vi) there is any other evident defect in the vehicle or its equipment by reason of which the steering requirements are not complied with.

PART IV

Lighting Requirements

8. The examination of a motor vehicle to ascertain whether the lighting requirements are complied with shall be carried out in accordance with the following provisions of this Part of this Schedule.

9. The vehicle shall be examined to ascertain whether—

(*a*) it is equipped with lamps and reflectors which comply with the lighting requirements as respects their number and the position in which they are attached to the vehicle, and

(*b*) the said lamps are in a clean and efficient condition and the said reflectors are in an unobscured and efficient condition, and

(*c*) the vehicle is so equipped that the said lamps can be used to show a white light to the front visible from a reasonable distance or a red light to the rear so visible, so as to comply with the lighting requirements.

10.—(1) Where the vehicle is one to which the lighting requirements relating to vehicles provided with a head lamp apply, the vehicle shall be examined in accordance with the following provisions of this paragraph to ascertain whether those requirements are complied with.

(2) The examination required by this paragraph shall be carried out by examining the vehicle and each of the head lamps with which the vehicle is provided in order to determine whether, if that lamp were to be used to show a light to the front while the vehicle was driven on a road during the hours of darkness, the beam of light emitted therefrom,—

(*a*) would or could be so deflected that such a use of the lamp would not be in contravention of Regulation 9 of the Road Vehicles Lighting Regulations, 1959, (which contains provisions for preventing lamps to which that Regulation applies from causing dazzle), or

(*b*) could be so extinguished that such a use of the lamp would not be in contravention of the said Regulation 9.

(3) For the purpose of the examination of a head lamp in accordance with sub-paragraph (2) of this paragraph, the direction of the beam of light which would be emitted from that lamp if it were to be used to show a light to the front in the circumstances specified in the said sub-paragraph (2) shall be tested in one or other of the following ways,—

(*a*) by causing the lamp to show a light and ascertaining what the direction is in relation to the vehicle of the beam of light emitted therefrom by the use of apparatus designed and constructed for the purpose of ascertaining within reasonable limits of precision the direction of the beam of light emitted from such a lamp;

(*b*) by placing the vehicle on level or uniformly sloping ground, causing the head lamp to show a light so that the beam of light emitted therefrom is thrown on a screen or wall, and ascertaining what the direction of that beam of light is in relation to the vehicle;

(*c*) where the lamp cannot readily be caused to show a light, by determining from observation of the setting of the lamp what the direction would be in relation to the vehicle of any beam of light emitted therefrom if it were caused to show a light.

FOURTH SCHEDULE (see Regulations 14 and 15)

FORM OF TEST CERTIFICATE AND NOTIFICATIONS OF REFUSAL THEREOF

PART I

FORM OF TEST CERTIFICATE

Serial No.

MINISTRY OF TRANSPORT

TEST CERTIFICATE

The motor vehicle, of which the Registration Mark is ....., having been examined under section 65 of the Road Traffic Act, 1960, it is hereby certified that at the date of the examination thereof the statutory requirements prescribed by Regulations made under the said section 65 were complied with in relation to the vehicle.

Date of issue ..... Signature .....

Vehicle Testing
Station Number .....

PART II

FORM OF NOTIFICATION OF REFUSAL OF A TEST CERTIFICATE ISSUED UNDER REGULATION 14

Serial No.

MINISTRY OF TRANSPORT

NOTIFICATION OF REFUSAL OF A TEST CERTIFICATE

The motor vehicle, of which the Registration Mark is ....., having been examined under section 65 of the Road Traffic Act, 1960, it is hereby notified that a test certificate in respect of the vehicle is refused on the grounds that at the date of the examination the statutory requirements prescribed by Regulations made under the said section 65 were NOT COMPLIED WITH as respects its BRAKING SYSTEM OR SYSTEMS(*a*)/STEERING GEAR(*a*)/LIGHTING EQUIPMENT AND REFLECTORS(*a*) for the following reasons(*b*):—

(*a*) delete as appropriate
(*b*) complete as appropriate

BRAKING SYSTEM OR SYSTEMS .....
.....
.....

STEERING GEAR .....
.....
.....

LIGHTING EQUIPMENT AND REFLECTORS .....
.....
.....

1. Amount of fee paid .....
2. Whether the prescribed statutory requirements relating to lighting equipment and reflectors applied to vehicle.....

Date of issue ..... Signature .....

Vehicle Testing
Station Number .....

PART III

FORM OF NOTIFICATION OF REFUSAL OF A TEST CERTIFICATE ISSUED UNDER REGULATION 15

Serial No.

MINISTRY OF TRANSPORT

NOTIFICATION OF REFUSAL OF A TEST CERTIFICATE

The motor vehicle, of which the Registration Mark is ....., having been examined under section 65 of the Road Traffic Act, 1960, it is hereby notified that a test certificate in respect of the vehicle is refused—

1. on the grounds that a full examination of its BRAKING SYSTEM OR SYSTEMS as required by Regulations made under the said section 65 could not safely be carried out because at the date of the examination there were the following defects in the construction or condition of the vehicle

.....

.....

(*a*) delete or complete as appropriate
(*b*) delete as appropriate
(*c*) complete as appropriate

2. (*a*) and on the grounds also that in so far as the examination of the vehicle was carried out it was found that at the said date the statutory requirements prescribed by Regulations made under the said section 65 were NOT COMPLIED WITH as respects its BRAKING SYSTEM OR SYSTEMS(*b*)/STEERING GEAR(*b*)/LIGHTING EQUIPMENT AND REFLECTORS(*b*), for the following reasons(*c*):—

BRAKING SYSTEM OR SYSTEMS .....

.....

.....

STEERING GEAR .....

.....

.....

LIGHTING EQUIPMENT AND REFLECTORS .....

.....

.....

1. Amount of fee paid .....

2. Whether the prescribed statutory requirements relating to lighting equipment and reflectors applied to vehicle.....

Date of issue ..... Signature .....

Vehicle Testing Station Number .....

FIFTH SCHEDULE (see Regulation 16)

FEES FOR EXAMINATIONS

PART I

Amount of fees for examinations not carried out as re-tests to which Part II of this Schedule applies

1. The fee on an application for an examination of a motor vehicle which is not an examination carried out as a re-test to which Part II of this Schedule applies shall, in the case of an examination of a description specified in column 1 of the Table set out in this Part of this Schedule be of the amount specified in column 2 of that Table in relation to an examination of that description.

TABLE

1. Description of examination	2. Amount of Fee
1. Examination of a motor bicycle, not having a sidecar attached thereto, where a test certificate is issued.	10s. 6d.
2. Examination of any other motor vehicle to which these Regulations apply, where a test certificate is issued.	15s. 0d.
3. Examination of a vehicle mentioned in paragraph 1 of this Table, where no test certificate is issued.	9s. 6d.
4. Examination of a vehicle mentioned in paragraph 2 of this Table, where no test certificate is issued.	14s. 0d.

PART II

Amount of fees for examinations carried out as re-tests to which this Part of this Schedule applies

2. For the purposes of the following provisions of this Schedule—

(*a*) " earlier examination " means an examination of a motor vehicle in respect of which a fee of 14s. 0d. or 9s. 6d. has been paid in accordance with the provisions of Parts I and III of this Schedule;

(*b*) " relevant items ", in relation to a motor vehicle, means the following three parts of, or of the equipment of, a motor vehicle, that is to say,—

(i) its braking system or systems,

(ii) its steering gear,

(iii) its lighting equipment and reflectors:

Provided that in relation to a motor vehicle to which the requirements relating to lighting equipment and reflectors specified in paragraph (3) of the Second Schedule to these Regulations do not apply because the vehicle is not provided with any front lamp or rear lamp within the meaning of paragraph (1) of Regulation 76A of the Motor Vehicles (Construction and Use) Regulations, 1955, as amended, references to the relevant items are references only to the braking system or systems of the vehicle and its steering gear;

(*c*) where as a result of an earlier examination of a vehicle a notification of the refusal of a test certificate has been issued in accordance with Regulation 15 of these Regulations on the grounds that a full examination of its braking system or systems could not safely be carried out, the notification shall be treated as if the grounds upon which it was issued included the ground that the prescribed statutory requirements were not complied with in respect of the braking system or systems of the vehicle;

(*d*) " relevant defect ", in relation to any vehicle which has been the subject of an earlier examination, means any defect in the vehicle by reason of which a full examination of its braking system or systems could not safely be carried out on that earlier examination.

3. This Part of this Schedule applies to an examination of a motor vehicle which is carried out as a re-test in accordance with the following provisions of this

paragraph, after an earlier examination of that vehicle has been carried out as a result of which no test certificate was issued, that is to say,—

(1) *an examiner's re-test,* that is, an examination carried out as a re-test by an authorised examiner in a case where the conditions specified in Head A or Head B of this sub-paragraph are satisfied and after surrender to that examiner of the notification referred to in those conditions,—

(A)—(i) as a result of an earlier examination a notification of the refusal of a test certificate was issued on the grounds that the prescribed statutory requirements were not complied with in respect of one or two (but not all three) of its relevant items specified therein, or, in a case where the vehicle is such a vehicle as is mentioned in the proviso to sub-paragraph (*b*) of paragraph 2 of this Schedule, in respect of one (but not both) of its relevant items specified therein, and

(ii) the vehicle has within fourteen days from the date of issue of the said notification been brought to and then left at a vehicle testing station of the authorised examiner carrying out the re-test for repair of the relevant items so specified and of any relevant defect and for the carrying out of the re-test;

(B)—(i) as a result of an earlier examination carried out by the authorised examiner carrying out the re-test a notification of the refusal of a test certificate was issued on the grounds that the prescribed statutory requirements were not complied with in respect of one or more of its relevant items specified therein, and

(ii) after repairs of the relevant items so specified and of any relevant defect have been carried out by any person other than an authorised examiner the vehicle has within fourteen days from the date of issue of the said notification been brought to the vehicle testing station at which the earlier examination was carried out for the carrying out of the re-test;

(2) *an inspector's re-test,* that is, an examination carried out as a re-test at a vehicle testing station of a designated council or the Minister in a case where the following conditions are satisfied and after surrender to the inspector carrying out the re-test of the notification referred to in those conditions,—

(i) as a result of an earlier examination carried out at the same vehicle testing station a notification of the refusal of a test certificate was issued on the grounds that the prescribed statutory requirements were not complied with in respect of one or more of its relevant items specified therein, and

(ii) after repairs of the relevant items so specified and of any relevant defect have been carried out by any person other than an authorised examiner the vehicle has within fourteen days from the date of issue of the said notification been brought to the vehicle testing station at which the earlier examination was carried out for the carrying out of the re-test;

(3) *an examiner's special re-test,* that is, an examination carried out as a re-test by an authorised examiner in a case where the conditions specified in Head A or Head B below are satisfied and after surrender to that examiner of any notification referred to in those conditions,—

(A)-(i) as a result of an earlier examination a notification of the refusal of a test certificate was issued on the grounds that the prescribed statutory requirements were not complied with in respect of all its relevant items, and

(ii) the vehicle has within fourteen days from the date of issue of the said notification been brought to and then left at a vehicle testing station of the examiner carrying out the re-test for the repair of all its relevant items and of any relevant defect and for the carrying out of the re-test;

(B)-(i) as a result of an earlier examination carried out by the examiner carrying out the re-test it was found that the vehicle did not comply with one or more of the prescribed statutory requirements or that a full examination of its braking system or systems could not safely be carried out by reason of defects in its construction or condition (whether a notification of the refusal of a test certificate was or was not issued as a result of that examination), and

(ii) the vehicle has since the carrying out of the said earlier examination remained at the testing station at which that examination was carried out for repairs to be carried out to enable the said statutory requirements to be complied with and, in a case where a full examination of its braking system or systems could not safely be carried out on the earlier examination by reason of defects in its construction or condition, for repair of those defects, and for the carrying out of the re-test.

4. The fee on an application for an examination carried out as a re-test in accordance with the provisions of paragraph 3 of this Schedule shall, in the case of an examination of a description specified in column 1 of the Table set out in this Part of this Schedule be of the amount specified in column 2 of that Table in relation to an examination of that description.

TABLE

1. Description of examination	2. Amount of Fee
1. Examiner's re-test or Inspector's re-test of a motor bicycle not having a sidecar attached thereto, where a test certificate is issued.	6s. 0d.
2. Examiner's re-test or Inspector's re-test of any other motor vehicle to which these Regulations apply, where a test certificate is issued.	8s. 0d.
3. Examiner's re-test or Inspector's re-test of a vehicle mentioned in paragraph 1 of this Table, where no test certificate is issued.	5s. 0d.
4. Examiner's re-test or Inspector's re-test of a vehicle mentioned in paragraph 2 of this Table, where no test certificate is issued.	7s. 0d.
5. Examiner's special re-test of any motor vehicle to which these Regulations apply, where a test certificate is issued.	1s. 0d.

PART III

Payment of Fees

5. In this Part of this Schedule, "examining authority" means, in relation to an application for an examination which is made to an authorised examiner or designated council, that examiner or council, as the case may be, and in relation to an application for an examination which is made to the Minister, the Minister.

6. All fees on an application for an examination shall be payable to the examining authority in accordance with the following provisions of this Part of this Schedule.

7. Where on an application for an examination made in accordance with Regulation 10 of these Regulations (not being an application for an examination of the description mentioned in paragraph 5 of the Table set out in Part II of this Schedule)—

(*a*) an appointment is made or a time is arranged for the carrying out of the examination, or

(*b*) the vehicle is submitted at a vehicle testing station of the examining authority for examination without a time having first been appointed or arranged for its examination, and the examination is carried out forthwith,

the examining authority may require the fee payable to be paid—

(i) as to such amount thereof as would be payable if no test certificate were issued, on the making of the appointment or arrangement or at such time thereafter as they may specify, or in the case mentioned in sub-paragraph (*b*) of this paragraph before the examination is carried out, and

(ii) as to the balance of the said fee (if any) on the completion of that examination.

8. The fee payable in accordance with the foregoing provisions of this Schedule shall be payable notwithstanding that the vehicle is not submitted for examination in accordance with any such appointment or arrangement as is mentioned in paragraph 7 (*a*) of this Schedule:

Provided that if the applicant for the examination has not less than twenty-four hours before the time so appointed or arranged given the examining authority notice (whether in writing or otherwise) that the applicant does not propose to submit the vehicle for examination at the time so appointed or arranged, the application shall be treated for the purposes of this Schedule as one in respect of which no fee is payable and any amount previously paid in respect of such a fee shall be repayable by the examining authority to the applicant unless another time is arranged for the carrying out of the examination.

9. No fee shall be payable on an application for an examination in any case where in pursuance of any of the provisions of Regulation 11 of these Regulations an authorised examiner or the inspector appointed by a designated council or the Minister does not carry out the examination and any amount previously paid in any such case in respect of such a fee shall be repaid by the examining authority to the applicant.

10. Save as otherwise provided by the foregoing provisions of this Schedule, any fee payable in the case of an examination shall be payable on the completion of the examination.

SIXTH SCHEDULE (see Regulation 21)

FORM OF REGISTER

Ministry of Transport

INITIAL TESTS

MOTOR VEHICLE TEST REGISTER

Month_____ 19____

Name of Authorised Examiner or Designated Council_____

Vehicle Testing Station No._____

(1) DETAILS OF VEHICLE			(2) RESULT OF INSPECTION																(3) ADJUSTMENTS AND REPAIRS CARRIED OUT TO BRING VEHICLE TO CERTIFIABLE STANDARD			(4) CERTIFICATE OR NOTIFICATION ISSUED			(5)
			Motor Bicycles (with or without sidecars)					Other Passenger Vehicles including Dual-purpose Vehicles					Goods Vehicles												
					Defects					Defects					Defects						Cost				
Registration Mark	Make and H.P. or C.C. rating or (if goods vehicle) Make and U.W.	Approx. Year of manufacture	Satisfactory	Unsatisfactory	Brakes	Steering	Lighting	Satisfactory	Unsatisfactory	Brakes	Steering	Lighting	Satisfactory	Unsatisfactory	Brakes	Steering	Lighting	Brief Details	£	s.	Test Certificate—Serial Number	Notification of Refusal of a Test Certificate—Serial Number	Day of Month	NAME OF EXAMINER OR INSPECTOR who signed the Certificate or Notification of Refusal of a Test Certificate
1.																									
2.																									
3.																									
4.																									
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20.																									
	TOTALS																								

RE-TESTS AND DUPLICATE CERTIFICATES

1.																									
2.																									
3.																									
4.																									
5.																									
6.																									

EXPLANATORY NOTE

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

These Regulations, made under section 65 of the Road Traffic Act, 1960, make provision for the examination under that section of the motor vehicles to which the Regulations apply for the purpose of ascertaining whether certain statutory requirements relating to motor vehicles, their accessories and equipment, are complied with and for the issue of a test certificate where these requirements are complied with or the issue of a notification of the refusal of such a certificate where they are not complied with.

Regulation 3 provides that the vehicles to which the Regulations apply are, subject to certain exceptions, vehicles (not being track laying vehicles) which are heavy motor cars, motor cars or motor cycles. The exceptions include goods vehicles over thirty hundredweight in unladen weight and public service vehicles adapted to carry eight or more passengers.

Regulations 4 to 8 relate to the appointment of persons to act as "authorised examiners" for the purpose of carrying out examinations and impose conditions to be complied with by such examiners.

Regulation 9 provides that a vehicle which is submitted for an examination must be examined to ascertain whether the statutory requirements specified in the Second Schedule are complied with. The requirements specified in the Second Schedule for this purpose are certain requirements of the Motor Vehicles (Construction and Use) Regulations, 1955, as amended, relating to the brakes, steering gear and lighting equipment and reflectors of motor vehicles.

Regulation 10 provides that persons wishing to have a vehicle examined may apply either to an authorised examiner, a designated council or the Minister of Transport and sets out how applications must be made and dealt with.

Regulation 11 specifies certain cases in which there will be no obligation on authorised examiners or inspectors appointed by a council or the Minister to carry out an examination of a vehicle which has been submitted for that purpose.

Regulation 12 and the Third Schedule provide for the manner in which, and the conditions under which, examinations are to be carried out and Regulation 13 defines the responsibilities of authorised examiners, designated councils or the Minister for damage to vehicles and third party liabilities arising in connection with the carrying out of examinations.

Regulations 14 and 15 and the Fourth Schedule specify the steps to be taken when an examination is finished and prescribe the form of, and particulars to be contained in, test certificates and notifications of refusal of a test certificate.

By Regulation 16 and the Fifth Schedule, it is provided that the fee for an examination is fifteen shillings (ten shillings and sixpence in the case of a motor bicycle without a sidecar), or one shilling less where a test certificate is not issued. Provision is also made in Part II of the Fifth Schedule that a reduced fee shall be payable when re-tests are carried out under certain conditions.

Regulation 17 deals with appeals to the Minister by persons who are aggrieved by the refusal of a test certificate and, in particular, specifies the manner in which, and the time within which, such appeals must be brought, and Regulation 18 provides that the fee on an appeal shall be

twenty-five shillings (seventeen shillings and sixpence in the case of a motor bicycle without a sidecar), and that the fee may in certain circumstances be returned in whole or in part to an appellant.

The remaining Regulations and the Sixth Schedule make provision for various matters arising out of the application of the Regulations, including the removal of vehicles from testing stations, the records to be kept and returns to be furnished by authorised examiners and designated councils, the issue of duplicate test certificates, the inspection of testing stations, apparatus and records, and the withdrawal of authorisations from examiners.