
STATUTORY INSTRUMENTS

2020 No. 382

ROAD TRAFFIC

**The Motor Vehicles (Tests) (Amendment)
(Coronavirus) Regulations 2020**

<i>Made</i>	-	-	-	-	<i>8.26 p.m. on 30th March 2020</i>
<i>Laid before Parliament</i>					<i>10.00 p.m. on 30th March 2020</i>
<i>Coming into force in accordance with regulation 1(2) and (3)</i>					

The Secretary of State makes the following Regulations in exercise of the power conferred by section 47(5) of the Road Traffic Act 1988⁽¹⁾.

The Secretary of State, in accordance with section 195(2) of that Act, has consulted such representative organisations as the Secretary of State thinks fit.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) (Coronavirus) Regulations 2020.

(2) This regulation and regulation 2 come into force on 31st March 2020.

(3) Regulation 3 comes into force on 30th September 2021.

(4) In these Regulations, “the 1981 Regulations” means the Motor Vehicles (Tests) Regulations 1981⁽²⁾.

Amendments to the 1981 Regulations

2.—(1) Regulation 6 (exemptions) of the 1981 Regulations is amended as follows.

(2) At the end of paragraph (1)(xxviii) insert—

“;

(xxix) a vehicle to which paragraph (1B) for the time being applies”.

(3) After paragraph (1A) insert—

(1) 1988 c. 52. Section 47 was amended by the Vehicle Excise and Registration Act 1994 (c. 22), section 63 and Schedule 3, paragraph 24(2), and the Finance Act 1994 (c. 9), section 5 and Schedule 2, paragraph 25.

(2) S.I. 1981/1694, amended by S.I. 1995/1457, 2003/1113 and 2017/850; there are other amending instruments but none is relevant.

“(1B) This paragraph applies to a vehicle, other than a public service vehicle, for a period of six months beginning on the first day on which, but for the coming into force of this paragraph, the vehicle could not have been used on a road without giving rise to an offence under section 47(1) of the 1988 Act, if—

- (a) that day is on or after 31st March 2020 and before 31st March 2021; and
- (b) that vehicle—
 - (i) could have been used on a road immediately before that day, being a vehicle to which section 47(1) of the 1988 Act would have applied either at that time or for the first time on the following day, without giving rise to an offence under section 47(1) of that Act; and
 - (ii) has not been subjected to an examination during the said period of six months, prior to its use on a road.”.

Revocation of amendments

3. In regulation 6 of the 1981 Regulations, omit paragraphs (1)(xxix) and (1B).

At 8.26 p.m. on 30th March 2020

Grant Shapps
Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Road Traffic Act 1988 generally prohibits the use of a motor vehicle without a test certificate on a road in Great Britain. That Act also confers a power on the Secretary of State to exclude classes of vehicle from this prohibition, which are specified in the Motor Vehicles (Tests) Regulations 1981 (“the 1981 Regulations”).

In anticipation of potential disruption to the vehicle testing regime caused by the spread of coronavirus, this instrument amends the 1981 Regulations to exclude vehicles from the test certificate requirement for a one-off period of six months. This period begins on the day when the use of a vehicle on a road without a test certificate would have been ordinarily prohibited.

The six-month exclusion applies to a vehicle that would need to be examined under the 1981 Regulations (i.e. an MOT) between 30th March 2020 and 29th March 2021 (inclusive) to be used lawfully and is limited as follows—

- (a) it must be lawful to use a vehicle on a road immediately before the six-month period begins, so vehicles with expired test certificates cannot benefit from the exclusion;
- (b) if a vehicle is subjected to an examination during the six-month period and fails, the exclusion will cease to apply from that time;
- (c) it does not apply to goods vehicles or public service vehicles (for which there are separate arrangements).

Regulation 3 provides for the revocation of this exclusion on 30th September 2021 – immediately after the end of the last six-month period.

No impact assessment has been prepared for these Regulations. An Explanatory Memorandum has been prepared and is available alongside this instrument on the UK Legislation website www.legislation.gov.uk.