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STATUTORY INSTRUMENTS

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**1996 No. 1700**

**DEREGULATION**

**The Deregulation (Motor Vehicles Tests) Order 1996**

*Made* - - - - *17th June 1996*

*Coming into force* - - *1st July 1996*

Whereas:

- (a) the Secretary of State is of the opinion that certain provisions of the Road Traffic Act 1988(1) impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending or repealing the provisions concerned and by making certain other provision it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) he has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994(2) and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of those representations and the change to the Secretary of State's proposals in the light of those representations; and
- (g) a draft of this Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:

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(1) 1988 c. 52. Section 45 was amended by paragraph 52 of Schedule 4 to the Road Traffic Act 1991 (c. 40) ("the 1991 Act"). Section 46 was amended by paragraph 53 of that Schedule. Section 47 was amended by paragraph 25 of Schedule 2 to the Finance Act 1994 (c. 20) and paragraph 24 of Schedule 3 to the Vehicle Excise and Registration Act 1994 (c. 22). Section 48 was amended by Schedule 8 to the 1991 Act. Section 49 was amended by paragraph 54 of Schedule 4 to the 1991 Act. Section 66 was amended by paragraph 24 of Schedule 3 to the Vehicle Excise and Registration Act 1994. Section 66A was inserted by section 9(1) of the 1991 Act. Section 85 was amended by paragraph 61 of Schedule 4 to the 1991 Act. Other amendments have been made that are not relevant to this Order.

(2) 1994 c. 40.

### **Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Deregulation (Motor Vehicles Tests) Order 1996.
- (2) This Order shall come into force at the end of the period of 14 days beginning with the day on which it is made.
- (3) In this Order “the 1988 Act” means the Road Traffic Act 1988.

### **Early issue of test certificates**

- 2.—(1) Section 48 of the 1988 Act (tests certificate: dates of issue and expiry etc.) shall be amended as follows.
  - (2) After subsection (1) there shall be inserted the following subsection—

“(1A) A test certificate issued in respect of a vehicle within the period of one month ending immediately before the date on which section 47 of this Act first applies to the vehicle shall be treated for the purposes of that section as if issued at the end of that period.”
  - (3) In subsection (5) (which adapts provisions of the section in relation to public service vehicles adapted to carry more than eight passengers) in paragraph (a) (which substitutes two months for one month)—
    - (a) after “subsections” there shall be inserted “(1A),”, and
    - (b) for “both places” there shall be substituted “each place”.

Signed by authority of the Secretary of State

17th June 1996

*Steven Norris*  
Parliamentary Under Secretary of State,  
Department of Transport

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 47 of the Road Traffic Act 1988 makes it an offence for a vehicle to which the section applies to be used on a road unless a MoT test certificate has been issued for it within the previous twelve months. The section does not in general, apply to any vehicle until a specified period after it is first registered, the specified period being 3 years in some cases and one year in other cases. However, where a vehicle is tested within one month (two months in the case of a public service vehicle) before the expiration of a current certificate, the twelve month period is extended to twelve months from the expiration of that certificate.

This Order amends the 1988 Act so that where a vehicle is tested within one month (two months in the case of a public service vehicle) before the date by which it is first required to have a certificate, the twelve month period is extended to twelve months from that date.