

SCHEDULE 6

Regulations 37 and 38

TRADE LICENCES

PART I

CONDITIONS SUBJECT TO WHICH TRADE LICENCES ARE TO BE ISSUED

1. If the holder of a trade licence changes his name, the name of his business or his business address he shall forthwith—
 - (a) notify the change and the new name or address to the Secretary of State; and
 - (b) send the licence to the Secretary of State for any necessary amendment.
2. The holder of the licence shall not, and shall not permit any person to, alter, deface, mutilate or add anything to a trade plate.
3. The holder of the licence shall not, and shall not permit any person to, exhibit on any vehicle any trade licence or trade plate—
 - (a) which has been altered, defaced mutilated or added to;
 - (b) upon which the figures or particulars have become illegible; or
 - (c) the colour of which has altered whether by fading or otherwise.
4. The holder of the licence shall not, and shall not permit any person to, exhibit on any vehicle anything which could be mistaken for a trade plate.
5. The holder of the licence shall not permit any person to display the trade licence or any trade plates on a vehicle except a vehicle which that person is using for the purposes of the holder under the licence.
6. The holder of the licence shall not, and shall not permit any person, to display the trade licence or any trade plates on any vehicle unless—
 - (a) that vehicle is within the classes of vehicle specified in section 11(2) of the 1994 Act (if the holder is a motor trader who is a manufacturer of vehicles), 11(3) (if the holder is any other motor trader) or 11(4) (if the holder is a vehicle tester); and
 - (b) the vehicle is being used for one or more of the prescribed purposes for which the holder may use the vehicle in accordance with regulation 36 and this Schedule.
7. The holder of the licence shall not display any trade plate on a vehicle used under the licence unless that trade plate shows the general registration mark assigned to the holder in respect of that licence.

PART II

PURPOSES FOR WHICH THE HOLDER OF A TRADE LICENCE MAY USE A VEHICLE BY VIRTUE OF THE LICENCE

General

Interpretation

8. Where a vehicle is so constructed that a semi-trailer may by partial superimposition be attached to it in such a manner as to cause a substantial part of the weight of the semi-trailer to be borne by the vehicle, the vehicle and the semi-trailer shall be taken, for the purposes of this Part of this Schedule to constitute a single vehicle.

9. The purposes prescribed by this Part of this Schedule as purposes for which the holder of a trade licence may use a vehicle on a public road by virtue of that licence—

- (a) do not include the carrying of any person on the vehicle or any trailer drawn by it except a person carried in connection with such purposes; and
- (b) are without prejudice to the provisions of subsections (4) to (6) of section 11 of the 1994 Act which specify the classes of vehicle which a trade licence is for, in the relation respectively to a motor trader who is a manufacturer of vehicles, any other motor trader and a vehicle tester.

Motor traders

Purposes for which a motor trader may use a vehicle by virtue of a trade licence

10. The purposes for which the holder of a trade licence who is a motor trader may use a vehicle (other than a vehicle to which paragraph 14 applies) on a public road by virtue of that licence are purposes which meet each of the following requirements—

- (a) they are business purposes;
- (b) they are paragraph 12 purposes; and
- (c) they are purposes that do not include the conveyance of goods or burden of any description except specified loads.

Business purposes

11. A vehicle is used for “business purposes” if it is used for purposes connected with the motor trader’s business—

- (a) as a manufacturer or repairer of or dealer in vehicles,
- (b) as a manufacturer or repairer of or dealer in trailers carried on in conjunction with his business as a motor trader,
- (c) of modifying vehicles (whether by the fitting of accessories or otherwise); or
- (d) of valeting vehicles.

Paragraph 12 purposes

12. A vehicle is used for “paragraph 12 purposes” if it is used for any of the following purposes—

- (a) for its test or trial or the test or trial of its accessories or equipment, in either case in the ordinary course of construction, modification or repair or after completion;
- (b) for proceeding to or from a public weighbridge for ascertaining its weight or to or from any place for its registration or inspection by a person acting on behalf of the Secretary of State;
- (c) for its test or trial for the benefit of a prospective purchaser, for proceeding at the instance of a prospective purchaser to any place for the purpose of such test or trial, or for returning after such test or trial;
- (d) for its test or trial for the benefit of a person interested in promoting publicity in regard to it, for proceeding at the instance of such a person to any place for the purpose of such test or trial, or for returning after such test or trial;
- (e) for delivering it to the place where the purchaser intends to keep it;
- (f) for demonstrating its operation or the operation of its accessories or equipment when it is being handed over to the purchaser;
- (g) for delivering it from one part of the licence holder's premises to another part of his premises, or for delivering it from his premises to premises of, or between parts of premises of, another manufacturer or repairer of or dealer in vehicles or removing it from the premises of another manufacturer or repairer of or dealer in vehicles direct to his own premises;
- (h) for proceeding to or returning from a workshop in which a body or a special type of equipment or accessory is to be or has been fitted to it or in which it is to be or has been painted, valeted or repaired;
- (i) for proceeding from the premises of a manufacturer or repairer of or dealer in vehicles to a place from which it is to be transported by train, ship or aircraft or for proceeding to the premises of such a manufacturer, repairer or dealer from a place to which it has been so transported;
- (j) for proceeding to or returning from any garage, auction room or other place at which vehicles are usually stored or usually or periodically offered for sale and at which it is to be or has been stored or is to be or has been offered for sale as the case may be;
- (k) for proceeding to or returning from a place where it is to be or has been inspected or tested;
or
- (l) for proceeding to a place where it is to be broken up or otherwise dismantled.

Specified loads

13.—(1) A specified load is one of the following kinds of load—

- (a) a test load;
- (b) in the case of a vehicle which is being delivered or collected and is being used for a purpose falling within paragraph 12(f) to (k), a load which consists of another vehicle used or to be used for travel from or to the place of delivery or collection;
- (c) a load which is built in as part of the vehicle or permanently attached to it;
- (d) in the case of a vehicle which is being used for a purpose falling within paragraph 12(h), (i) or (j), a load which consists of a trailer or of parts, accessories or equipment designed to be fitted to the vehicle and of tools for fitting them.

(2) In paragraph (1) a “test load” means a load which—

- (a) is carried by a vehicle being used for a purpose falling within paragraph 12(b), (d), (e) or (g);

Status: This is the original version (as it was originally made).

- (b) is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment; and
- (c) is returned to the place of loading without its having been removed from the vehicle except—
 - (i) for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment,
 - (ii) in the case of accident, or
 - (iii) where the load consists of water, fertiliser or refuse.

Manufacturers keeping vehicles for research and development

Vehicle kept by a motor trader for research and development in the course of his business as a manufacturer

14.—(1) This paragraph applies to a vehicle—

- (a) kept by a motor trader, being the holder of a trade licence who is a manufacturer of vehicles; and
- (b) kept solely for the purposes of conducting research and development in the course of his business as such a manufacturer.

(2) The purposes for which such a person may, by virtue of the trade licence, use a vehicle to which this paragraph applies on a public road are the purposes of conducting research and development in the course of his business as a manufacturer of vehicles.

(3) Those purposes shall not be taken to include the conveyance of goods or burden of any description except—

- (a) a load which is carried solely for the purpose of testing the vehicle or any of its accessories or equipment and which is returned to the place of loading without having been removed from the vehicle except for such purpose or in the case of accident; or
- (b) any load built in as part of the vehicle or permanently attached to it.

Vehicle testers

Purposes for which a vehicle tester may use a vehicle by virtue of a trade licence

15.—(1) Subject to sub-paragraph (2) the purposes for which the holder of a trade licence who is a vehicle tester may use a vehicle on a public road by virtue of that licence are the purposes of testing it or any trailer drawn by it or any of the accessories or equipment on the vehicle or trailer in the course of the business of the holder of the trade licence as a vehicle tester.

(2) The purposes prescribed by sub-paragraph (1) do not include the conveyance of goods or any other burden of any description on the vehicle except—

- (a) a load which is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment and is returned to the place of loading without having been removed from the vehicle except for that purpose or in the case of accident, or
- (b) a load which is built in as part of the vehicle or permanently attached to it.