

From: * * * * *

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BY EMAIL

Date: 17 May 2006
Our Ref: * * * * *

Dear * * * * *

I am writing in reply to your request for information regarding MoT testing abroad. For ease of reference I will answer your queries in the order in which you have raised them.

I understand that it is not possible legally for you to authorise a garage or service abroad to undertake UK MoT tests

This is correct. The powers to appoint persons to carry out MoT testing (authorised examiners) are conferred by Section 45 (3) (a) of the Road Traffic Act 1988. The provisions of the act have effect only in the territory of Great Britain (Northern Ireland is covered by Section 61 (3) of the Road Traffic (Northern Ireland) Order 1995). There is therefore no legal basis for the appointment of an authorised examiner outside the territory of the United Kingdom.

Could you please inform me as to whether under current legislation [an MoT service based in France] is possible and if not precisely what would need to change in order to bring about such a service

The requirement for such a service does not arise under current legislation. A vehicle must comply with the roadworthiness standards laid down by the laws of the country in which it is kept. Under the provisions of the International Circulation Order, incorporated into UK legislation as The Motor Vehicles (International Circulation) Order 1975 and amended 2004, people travelling between EU member states may take their vehicles abroad for short periods of time without the need to obtain a roadworthiness test certificate in the destination country - provided, of course, their vehicle complies with minimum standards of safety and performance. If a vehicle is kept abroad for more than six months in a twelve month period, however, EU directive 83/182/EEC stipulates that it should be re-registered and re-licenced in that country.

Accordingly, if a vehicle is to be kept in France for long periods it should be registered with the French authorities and comply with the requirements of French law. (The keeper should return the Registration Document (V5) to the DVLA in exchange for a Certificate of Permanent Export (V561).) A vehicle complying with French standards of roadworthiness could then be used in Great Britain for a period of up to six months.

Would... a French *controle technique* test be acceptable to the UK authorities?

No. Section 45 (1) of the Road Traffic Act 1988 requires motor vehicles (other than goods vehicles – covered by Section 49) to undergo a test

“for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with”.

Examiners authorised to carry out the test are appointed under Section 45 (3) (a).

Under Section 47(1) of the same act

“A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before that time, is guilty of an offence.”

A test certificate issued by the French authorities is not an acceptable substitute.

Could you also point me precisely to which legislation is involved and refer me to the relevant sections so that should I wish I can take this matter further politically

Please see the answers above. Full texts of the Road Traffic Act 1988, The Motor Vehicles (International Circulation) (Amendment) Order 2004 (Statutory Instrument 2004 No. 1992), and The Road Traffic (Northern Ireland) Order 1995 (Statutory Instrument 1995 No. 2994 (N.I.18)) can be viewed online, free of charge, at the Office of Public Sector Information website, www.opsi.gov.uk.

If you have any queries about this letter, please contact us, quoting reference * * * .

Complaints

Details of our complaints procedures are included as a separate attachment.

Yours sincerely

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Information Access