

2005 No. 3169

ROAD TRAFFIC

**The Road Vehicles Lighting (Amendment) (No. 2) Regulations
2005**

<i>Made</i> - - - -	<i>11th November 2005</i>
<i>Laid before Parliament</i>	<i>17th November 2005</i>
<i>Coming into force</i> - -	<i>12th December 2005</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(a).

In accordance with section 195(2) of that Act he has consulted representatives of those whom he considers to be likely to be affected by the Regulations.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles Lighting (Amendment) (No. 2) Regulations 2005 and shall come into force on 12th December 2005.

Amendment of the Road Vehicles Lighting Regulations 1989

2.—(1) The following provisions shall be added to the Road Vehicles Lighting Regulations 1989(b).

(2) After regulation 4, there shall be added—

“Exemptions—Vehicle Examiners

4A.—(1) Parts 2 and 3 of these Regulations do not apply where a vehicle is being used on a road by a vehicle examiner and it is so used in order—

- (a) to submit the vehicle for an examination under section 45 of the Road Traffic Act 1988 for the purpose of ascertaining whether the examination is carried out in accordance with Regulations made under that section; or
- (b) to remove the vehicle following that examination.

(2) This regulation shall only apply to a vehicle examiner who—

- (a) has been authorised in writing by the Secretary of State to use a vehicle for the purposes described in paragraph (1)(a) and (b); and

(a) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(b) S.I. 1989/1796, amended by S.I. 1992/1217, 1994/2280, 1996/3016, 2001/560 and 2005/2559.

(b) when using the vehicle for such a purpose, reasonably believes that any defects in that vehicle do not give rise to a danger of injury to any person while being so used.

(3) In this regulation “vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988.”.

Signed by authority of the Secretary of State

11th November 2005

S.J. Ladyman
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Road Vehicles Lighting Regulations 1989 (“the 1989 Regulations”).

Regulation 2 adds a new exemption into Part 1 of the 1989 Regulations. A vehicle used by a vehicle examiner will be exempt from the requirements of the regulations in Part 2 (governing the fitting of lamps, reflectors, rear markings and devices) and Part 3 (governing the maintenance and use of lamps, reflectors, rear markings and devices), where the intended purpose is to submit that vehicle for an examination at a vehicle testing station in order to make sure that the examination carried out there is in accordance with the required testing standards. The exemption also allows the vehicle to be driven away from the vehicle testing station after the completion of the examination. In order to fall within the exemption two requirements must be met. Firstly, the vehicle must be being used by a vehicle examiner who has been authorised in writing by the Secretary of State for these purposes. Secondly, the vehicle examiner using the vehicle must reasonably believe that any defects in the vehicle do not give rise to a danger of injury to any person while it is being used for the purpose specified in the exemption.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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