

From: **Information Access**
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BY E-MAIL

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Our Ref: **F0003413**

Date: 8th June 2011

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your e-mail of 7th June 2011 requesting information, which we have dealt with under the terms of the Freedom of Information Act 2000.

You asked for clarification in respect a vehicle which has received an MOT test at an earlier date than required by legislation.

Section 47 of the Road Traffic Act 1988 as amended lays down the requirements for obligatory tests certificates. It is our understanding that where a vehicle has had a 'voluntary test' and that certificate has expired it would still be considered exempt from test until an obligatory certificate is required. I have copied the relevant section below for your information.

Road Traffic Act 1988 – Section 47 – Obligatory test certificates.

(1)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.

In this section and section 48 of this Act, the “appropriate period” means a period of twelve months or such shorter period as may be prescribed.

(2)Subject to subsections (3) and (5) below, the motor vehicles to which this section applies at any time are—

(a)those first registered [<http://www.legislation.gov.uk/ukpga/1988/52/section/47 - commentary-c1397427> under the Vehicle Excise and Registration Act 1994 or any corresponding earlier legislation], not less than three years before that time, and

(b)those which, having a date of manufacture not less than three years before that time, have been used on roads (whether in Great Britain or elsewhere) before being [[http://www.legislation.gov.uk/ukpga/1988/52/section/47 - commentary-c1397428](http://www.legislation.gov.uk/ukpga/1988/52/section/47-commentary-c1397428) so registered],

being, in either case, motor vehicles other than goods vehicles which are required by regulations under section 49 of this Act to be submitted for a goods vehicle test.

If you have any queries about this letter, please contact us, quoting reference **F0003413**.

If you are unhappy with the response provided, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,
Berkeley House,
Croydon Street,
Bristol,
BS5 0DA

or email vosa.corporateoffice@vosa.gsi.gov.uk

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner (www.informationcommissioner.gov.uk). The Information Commissioner is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Information Commissioner can consider complaints about any aspect of the way in which requests for information have been handled. Please note: the Information Commissioner would be unlikely to consider your complaint if you have not first requested an internal review.

You can write to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Yours sincerely

VOSA Information Access