

From: **Information Access**  
**inform@vosa.gsi.gov.uk**

Information Access Team  
Berkeley House  
Croydon Street  
Bristol  
BS5 0DA

**BY E-MAIL**

Tel: 0300 123 9000  
Fax: 0117 954 2546

Our Ref: **F0003429**

Date: 16<sup>th</sup> June 2011

Dear

## **FREEDOM OF INFORMATION ACT 2000**

I refer to your e-mail of 14<sup>th</sup> June 2011. We have dealt with this under the terms of the Freedom of Information Act 2000.

You asked whether a member of VOSA staff was allowed to drive a vehicle with induced defects to an MOT test as part of a mystery shopping exercise.

The following amendment to the Construction and Use Regulations 1986 allows this activity. I have reproduced the relevant part below for your information:.

Regulation (4) Paragraph (4) Table (4) Item (11) states:-

A vehicle being used on a road by a vehicle examiner, who has been authorised in writing by the Secretary of State for the purpose of –

(a) submitting the vehicle for an examination under Section 45 of the Road Traffic Act 1988 in order to ascertain whether the examination is carried out in accordance with regulations made under that section; or

(b) removing the vehicle following that examination.

(7) The exemption provided by item 11 in the Table in paragraph (4) shall only apply to the extent that the vehicle examiner using the vehicle in question reasonably believes that any defects in that vehicle do not give rise to a danger of injury to any person while it is being used by that person for a purpose mentioned in that item

(8) In item 11 in the Table in paragraph (4) and paragraph (7), “vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988.

If you have any queries about this letter, please contact us, quoting reference **F0003429**.

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](mailto: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](http://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