

THE TEST CERTIFICATES REGULATIONS

ARRANGEMENT OF REGULATIONS

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FIRST SCHEDULE—Prescribed forms

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Government
 Notices
 124 of 1962
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 52 of 1982
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 22 of 1993
 10 of 1994
 49 of 1996
 Act No.
 13 of 1994

SECTIONS 76, 77 AND 258—THE TEST CERTIFICATES REGULATIONS

Regulations by the Minister

Title

1. These Regulations may be cited as the Test Certificates Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—
 “construction vehicle” means—

- (a) a motor vehicle which is a tracked tractor;
- (b) a motor vehicle or a trailer incorporating machinery, plant or equipment of the following nature:
 - (i) bitumen or tar heaters;
 - (ii) bitumen, tar or water sprayers or distributors;
 - (iii) continuous belt or bucket loaders or conveyors;
 - (iv) crushers;
 - (v) paving machines;
 - (vi) road sweepers or power brooms;
 - (vii) soil, concrete, tar or bitumen mixers;
 - (viii) welding units;
 - (ix) drilling and boring machinery;
 - (x) cranes (excluding breakdown trucks);
 - (xi) graders;
 - (xii) scrapers;
 - (xiii) pipelayers;
 - (xiv) cablelayers;
 - (xv) cement, lime or stone spreaders;
 - (xvi) excavators;
 - (xvii) trenchers;
 - (xviii) front-end loading shovels;
 - (xix) rollers and compactors;
 - (xx) stabilisers;

- (xxi) concrete spreaders and tampers;
- (xxii) road watering bowsers;
- (xxiii) powered mowers;
- (xxiv) extending towers and ladders;
- (xxv) compressors;
- (xxvi) stone driers and heaters;
- (xxvii) pumps;
- (xxviii) rooters and scarifiers;
- (xxix) ploughs and harrows;

“examination” means an examination of a motor vehicle for the purposes of section *seventy-six* of the Act;

“the prescribed statutory requirements” means—

- (a) in the case of motor vehicles first registered in this or any other territory before the 1st July, 1952, the requirements of Part II of the Roads and Road Traffic (Construction, Equipment and Use) Regulations; and
- (b) in the case of motor vehicles first registered in this or any other territory on or after the 1st July, 1952, the requirements of regulations 19, 20, 21, 23, 24, 34, 41, 43, 45 and 47 of the Roads and Road Traffic (Construction, Equipment and Use) Regulations.

3. The forms set out in the First Schedule are hereby prescribed and shall be used in all cases to which they are respectively applicable in carrying out the provisions of the Act and these Regulations.

Prescribed forms

4. (1) The fees specified in the second column of the Second Schedule are hereby prescribed and shall be charged in respect of the matters set out in the first column of the said Schedule.

Prescribed fees

(2) In any case where an appeal to the Commissioner in accordance with the provisions of subsection (4) of section *seventy-six* of the Act is successful the whole of the fee paid, or such other portion of it as the Commissioner may direct, shall be refunded to the appellant.

5. (1) Subject to the provisions of these Regulations, every motor vehicle to which these Regulations apply submitted for examination in accordance with these Regulations shall be examined for the purpose of ascertaining whether the prescribed statutory requirements are at the date of the examination complied with in relation to that vehicle.

Requirements for examinations

(2) In any case where in the course of an examination the vehicle examiner observes other respects in which the vehicle does not comply with the requirements of the Act or of any regulations made thereunder with regard to the construction or equipment of motor vehicles, he shall inform the vehicle owner in writing of the same.

[SUBSIDIARY]

Test Certificates Regulations

Applications for examinations; production of registration book

6. (1) Any person wishing to have an examination of a motor vehicle to which these Regulations apply carried out may make application for that purpose to a vehicle examiner either orally or in writing.

(2) At every examination of a motor vehicle to which these Regulations apply, the registration book (Form R.L.4 of the First Schedule to the Roads and Road Traffic (Registration and Licensing) Regulations) shall be produced to the vehicle examiner.

Requirements as to vehicles submitted for examinations

7. A vehicle examiner shall not be under any obligation to carry out an examination of a motor vehicle in any of the following cases, that is to say:

- (a) where on the submission of a vehicle for an examination the applicant for the examination does not produce the registration book referred to in subregulation (2) of regulation 6;
- (b) where the vehicle or any part thereof or any of its equipment is, in the opinion of the vehicle examiner, in such a dirty condition as to make it unreasonably difficult for the examination to be carried out in accordance with the provisions of these Regulations;
- (c) where before the carrying out of an examination of a motor vehicle all or any goods or other things which are on the vehicle and are not part of its equipment or accessories are required to be removed from the vehicle or to be secured in such manner as the examiner may think necessary and the goods or things are not removed or secured accordingly.

Results of examinations

8. (1) Subject to the provisions of these Regulations, vehicle examiners after an examination of a vehicle is completed shall—

- (a) where it is found on the examination that the prescribed statutory requirements are complied with in relation to the vehicle, issue a test certificate in the prescribed form; or
- (b) where it is not so found on the examination, issue a notification of the refusal of a test certificate in the prescribed form.

(2) Upon the issue of a test certificate the vehicle examiner shall issue a test certificate record card in the prescribed form or, if such a card has already been issued in respect of the vehicle, he shall make an appropriate entry therein.

Refusal of test certificate where braking test cannot be carried out

9. (1) Where in the course of an examination of a motor vehicle carried out by a vehicle examiner it is found that there are such defects in the construction or condition of the vehicle or its equipment or accessories that to carry out a braking test of the vehicle, either by the vehicle being driven on a road or in any other way in which that test can be carried out by that examiner with the

facilities and apparatus available to him, would be likely to cause danger to any person or damage to the vehicle or any other property, the examiner shall not be under any obligation to carry out the braking test but shall complete the rest of the examination in accordance with the provisions of these Regulations.

(2) Where in any such case as is mentioned in sub-regulation (1) an examiner does not carry out a braking test of a vehicle, he shall issue a notification of the refusal of a test certificate specifying as the grounds of such refusal that the examiner could not safely carry out a full examination of its braking system or systems and any other ground there may be for such refusal and the said notification shall be in the form in, and contain the particulars required by, Form T.C.4 of the First Schedule.

10. (1) Any person appealing to the Commissioner in accordance with the provisions of subsection (4) of section *seventy-six* of the Act shall do so in writing and shall send with his appeal the prescribed fee.

Appeal on
refusal of test
certificate

(2) As soon as reasonably practicable after the date of receipt of the appeal as aforesaid, the Commissioner shall send to the appellant a notice stating where and when an examination for the purposes of the appeal is to take place addressed to the appellant at the address of the appellant stated in his appeal.

(3) The vehicle shall be submitted for examination at the place and time specified in the notice sent to the appellant under sub-regulation (2) unless arrangements are made with the agreement of the Commissioner for the carrying out of the examination at some other place and time.

(4) On the submission of the motor vehicle for an examination for the purposes of an appeal the person submitting the vehicle for an examination shall—

(a) produce to the vehicle examiner appointed by the Commissioner to carry out the examination—

(i) the notification of the refusal of a test certificate issued as a result of the examination in connection with which the appeal is made; and

(ii) the registration book relating to the vehicle; and

(b) give to the aforesaid examiner such information as he may reasonably require in connection with the carrying out of the examination relating to any alteration made or repairs carried out, or any accident or other event occurring, since the date of the said notification, which may have affected the vehicle or its equipment or accessories;

and the said examiner shall not be required to carry out the examination unless the said notification and registration book are produced and such other information as aforesaid is given.

(5) Subject to the following provisions of this regulation, upon completion of the said examination the said examiner shall on behalf of the Commissioner either issue a test certificate or a notification of the refusal of a test certificate stating the grounds thereof.

(6) The provisions of paragraphs (b) and (c) of regulation 7 and regulation 9 shall apply in relation to an examination for the purposes of an appeal as they apply in relation to other examinations.

(7) Test certificates and notifications of the refusal of a test certificate issued under the foregoing provisions of this regulation shall be signed on behalf of the Commissioner by the examiner carrying out the examination for the purposes of the appeal.

Removal of
vehicles
submitted for
examination

11. Where a motor vehicle has been submitted for an examination to a vehicle examiner, the person by whom the vehicle has been so submitted shall cause it to be removed from the custody of the examiner before the end of the second day after the day on which the person submitting the vehicle for examination receives notice (whether in writing or not)—

- (a) that the examination has been carried out; or
- (b) in a case where the examination is not carried out by reason of any of the provisions of regulation 7, that he is to remove the vehicle from the custody of the examiner.

Duplicate test
certificates

12. If a test certificate or test certificate record card has been lost or defaced, an application for the issue of a duplicate of the original certificate or card may be made to the Commissioner who shall, after making such inquiries and being supplied with such information as he may think necessary and on being paid the appropriate fee specified in the second column of the Second Schedule, cause such a duplicate to be issued which shall be marked "Duplicate" and the duplicate so issued shall have the same effect as the original test certificate or card:

Provided that no such duplicate need be issued if the applicant does not supply with his application such information as the Commissioner may reasonably require to enable him to trace the original certificate or card issued.

Display of test
certificate

13. (1) No person shall use and no person being the owner shall cause or permit to be used upon a road any motor vehicle to which these Regulations apply unless there is displayed on the said vehicle in a conspicuous position so as to be visible from the front or left front of the said vehicle an effective test certificate issued in respect of the said vehicle in accordance with the provisions of these Regulations.

(2) Any person who fails to comply with the provisions of sub-

regulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred penalty units.

(As amended by Act No. 13 of 1994)

14. No licensing officer shall issue a licence as required by section eighty-three of the Act in respect of any motor vehicle to which these Regulations apply unless there is produced to him a test certificate in respect of the said vehicle issued within the period of twelve months before the day from which the licence will take effect:

Test certificate to be produced before issue of licence

Provided that in lieu of a test certificate there may be produced to a licensing officer the test certificate record card in respect of the said vehicle containing an entry to establish that a test certificate has been issued in respect thereof within a period of twelve months from the date from which the licence will take effect.

15. These Regulations shall apply to such motor vehicles as may be determined by the Minister from time to time in pursuance of the provisions of subsection (2) of section seventy-seven of the Act.

Application

(No. 251 of 1963)

16. The provisions of regulations 13 and 14 shall come into force on the 1st July, 1962.

Commencement

FIRST SCHEDULE (Regulation 3)

PRESCRIBED FORMS

FORM T.C. 1 (Regulation 8)

THE ROADS AND ROAD TRAFFIC ACT THE TEST CERTIFICATES REGULATIONS

TEST CERTIFICATE

No

Registration mark of motor vehicle

The above motor vehicle, having been examined under section seventy-six of the Roads and Road Traffic Act, it is hereby certified that at the date of the examination thereof the prescribed statutory requirements were complied with in relation to the vehicle.

This certificate is effective until

Signature of Examiner

Date of issue

THE ROADS AND ROAD TRAFFIC ACT
THE TEST CERTIFICATES REGULATIONS
TEST CERTIFICATE RECORD CARD

No

Registration mark of motor vehicle

Name of owner

Address of owner

Record of Test Certificates issued:

Number	Date of Issue	Signature and Effective until	official stamp of vehicle examiner
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THE ROADS AND ROAD TRAFFIC ACT
THE TEST CERTIFICATES REGULATIONS
NOTIFICATION OF REFUSAL OF A TEST CERTIFICATE

No

Registration mark of motor vehicle

The above motor vehicle, having been examined under section *seventy-six* of the Roads and Road Traffic Act, it is hereby notified that a test certificate in respect of the vehicle is refused on the grounds that at the date of the examination the prescribed statutory requirements were NOT COMPLIED WITH as respects its (delete as appropriate) BRAKING SYSTEM OR SYSTEMS/STEERING GEAR/TYRES/LIGHTING EQUIPMENT AND REFLECTORS for the following reasons (complete as appropriate):

Braking system or systems
.....
.....

Steering gear

Tyres

Lighting equipment and reflectors

.....
Signature of Examiner

Date of issue

FORM T.C. 4
(Regulation 9)

THE ROADS AND ROAD TRAFFIC ACT

THE TEST CERTIFICATES REGULATIONS

NOTIFICATION OF REFUSAL OF A TEST CERTIFICATE

No

Registration mark of motor vehicle

The above motor vehicle, having been examined under section *seventy-six* of the Roads and Road Traffic Act, it is hereby notified that a test certificate in respect of the vehicle is refused—

(1) on the grounds that a full examination of its BRAKING SYSTEM or SYSTEMS could not safely be carried out because at the date of the examination there were the following defects in the construction or condition of the vehicle:

.....
.....
.....
(2) *and on the grounds also that in so far as the examination of the vehicle was carried out it was found that at the said date the prescribed statutory requirements were NOT COMPLIED WITH as respects its *BRAKING SYSTEM OR SYSTEMS/*STEERING GEAR/*TYRES/*LIGHTING EQUIPMENT AND REFLECTORS for the following reasons*:

Braking system or systems

Steering gear

.....

Tyres

.....

Lighting equipment and reflectors

.....

.....

.....

Signature of Examiner

Date of issue

FORM T.C. 5
(Regulation 5 (2))

THE ROADS AND ROAD TRAFFIC ACT
THE TEST CERTIFICATES REGULATIONS
NOTIFICATION OF DEFECTS

No

To:

The Owner of Motor Vehicle No

Please take notice that in the course of the examination of the above motor vehicle for the purposes of section *seventy-six* of the Roads and Road Traffic Act the following defects, which are not included in the prescribed statutory requirements, were observed:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Signature of Examiner

Dated

SECOND SCHEDULE
(Regulation 4)

PRESCRIBED FEES

	<i>Fee units</i>
1. Appeal to the Commissioner	200
2. Duplicate test certificate or test certificate record card	60
3. Vehicle Examination	120

(As amended by S.I. No. 10 of 1994, Act No. 13 of 1994 and S.I. No. 49 of 1996)