

From: Inform@vosa.gsi.gov.uk

Room G9
Berkeley House
Croydon Street
Bristol
BS5 0DA

Tel: 0117 954 3430

Fax: 0117 954 2546

Date: 5 August 2005

Our Ref: F0000149

Dear

I am writing to confirm that the agency has now completed its search for the information which you requested.

The questions that you asked are as below:

What is the exact purpose of a viewing area in a MOT test garage?
Is there a legal requirement to provide a viewing area in MOT test garages?
Are there legal requirements for the location and dimensions of such an area? (In other words, how much of the test being carried out is able to be viewed by the car owner?)

The answer to these questions is as follows:

The purpose of the viewing area was so that MOT customers, if they wished, could safely witness as far as practicable (obviously allowing for health and safety issues such as going down a pit) a test being conducted on their vehicle, without distraction or interruption to the tester.

The reference to a waiting/viewing room or area is in the MOT Testing Guide - A hand book for Scheme Administration (Fifth Edition) **Section D A2.1 Premises** paragraph f).

- f). a clearly identified, warm and weatherproof public waiting area from which the whole test can be directly observed without interruption, except for road testing (room for 2 seated people is considered sufficient).
Directly observed means that for example mirrors or close circuit TV are not acceptable. The observation room or area should be identified by a notice and floor markings if applicable. There should also be a notice in reception indicating the presence of a viewing area.

All Vehicle Testing Stations (MOT Garages) are required to have a current (fifth edition) copy of the guide from which this extract has been taken on the premises.

There is no direct reference to a viewing area in the Regulations, however Regulation 8 of the Motor Vehicles (Tests) Regulations 1981 states:

8. Approvals, authorisations and designations

- (1) The Secretary of State may, after making such investigations and carrying out such inspections as he thinks fit, by an instrument in writing approve, authorise or designate (as the case may be) a person by whom an application has been made under regulation 7 or 7A.
- (2) The Secretary of State may at any time, by an instrument in writing, authorise any other person, other than an officer of the Secretary of State, to carry out examinations for the purposes of section 45 of the 1988 Act.
- (3) An approval under paragraph (1) shall be subject to the conditions set out in regulation 8A ("the approval conditions") **and to such other conditions as may be specified in the approval.**

The extract from the MOT testing guide (as above) expands on conditions specified in the approval. To receive authorisation to conduct tests on behalf of the Secretary of State (MOT's) a premise must meet the criteria specified.

If you are unhappy with the way the agency has handled your request for an internal review. You should contact:

Caroline Vanderman
Berkeley House
Croydon Street
Bristol
BS5 0DA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

VOSA Information Access