

SCHEDULE 3

Regulation 15(3)

ISSUE OF NEW REGISTRATION DOCUMENT

Duty of the Secretary of State

1. Where this Schedule has effect, before issuing a new registration document for the relevant vehicle, the Secretary of State—

- (a) shall require the keeper of the relevant vehicle to produce the vehicle for examination by a person authorised by the Secretary of State at a time and place fixed by the Secretary of State and notified to the keeper; and
- (b) may require the keeper to provide such other evidence as he may specify,

for the purpose of ascertaining whether the relevant vehicle is the registered vehicle concerned.

Examination of vehicle

2. A person authorised by the Secretary of State to conduct an examination under paragraph 1(a) may refuse to conduct the examination if—

- (a) the Secretary of State has not received an application form completed and signed by or on behalf of the keeper and containing such information as the Secretary of State may specify;
- (b) the vehicle is not presented at the time and place appointed for the examination;
- (c) the prescribed fee has not been paid;
- (d) the person presenting the vehicle is not willing, to the extent necessary for the purpose of properly carrying out the examination,—
 - (i) to give the person authorised to conduct the examination access to the engine and the fuel and exhaust systems,
 - (ii) to operate the controls of the vehicle, or
 - (iii) generally to co-operate with that person;
- (e) the vehicle is obviously unroadworthy;
- (f) the vehicle is in so dangerous or dirty a condition that the examination cannot be carried out safely and properly;
- (g) the vehicle has insufficient fuel or oil in it for the examination to be carried out; or
- (h) the vehicle's engine has failed electrically or mechanically.

Determination of the Secretary of State

3.—(1) The Secretary of State, having considered the report of the person who conducted any examination under paragraph 1(a) and the evidence (if any) provided under paragraph 1(b), shall give notice of his decision as to whether or not he is satisfied that the vehicle is the relevant vehicle.

(2) The Secretary of State's notification of a decision that he is not so satisfied shall state—

- (a) the reasons for his decision;
- (b) that the keeper of the vehicle may appeal against the decision on the ground that the reasons given are insufficient or that there has been an error in the conduct of the examination or the consideration of evidence;
- (c) the name and address of the person to whom an appeal against the decision may be made; and

- (d) that notice of the appeal stating the grounds on which it is made must be received by that person before the last day of the period of 28 days beginning with the day on which notification of the decision is sent or such later date as the Secretary of State may determine.

Appeals

4.—(1) Where an appeal is received in accordance with paragraph 3(2)(d), the Secretary of State shall authorise a person (“the appeal officer”) to determine the appeal on his behalf.

(2) The appeal officer shall be an individual who has not previously examined the relevant vehicle or been involved in any other way in the taking of the decision appealed against.

(3) The appeal officer shall require the appellant to produce the relevant vehicle for re-examination by him at a specified time and place and may also require him—

- (a) to produce the evidence provided under paragraph 1(b) for re-consideration; or
- (b) to provide such other evidence as the appeal officer may specify.

(4) Paragraph 2 applies to a re-examination of the relevant vehicle on appeal.

(5) The appeal officer, having examined the relevant vehicle and considered the evidence (if any) provided to him, shall notify the appellant of his decision as to whether or not he is satisfied that the relevant vehicle is the registered vehicle.

Certificates

5. Where the Secretary of State is satisfied, whether on appeal or otherwise, that the relevant vehicle is the registered vehicle he shall issue a certificate to that effect and may at any time issue a replacement certificate to correct an error in a certificate.

Giving of notices and certificates

6. A notice or certificate under this Schedule may be given or issued by—

- (a) handing it over to the person producing the relevant vehicle for examination or re-examination; or
- (b) by sending it by pre-paid ordinary post addressed to the person who signed the application referred to in paragraph 2(a), and

shall be taken to have been given or issued at the time it was handed over or, as the case may be, put in the post.

The prescribed fee

7.—(1) Subject to sub-paragraphs (2) and (3), the prescribed fee for an examination, whether under paragraph 1 or under paragraph 4, shall be £26.50.

(2) If, at the request of the person submitting the vehicle for examination, the examination is conducted otherwise than at premises such as are mentioned in paragraph 13(3) of Schedule 2 the fee shall be increased by £5.50.

(3) If, at the request of that person the examination is conducted out of hours the fee shall be increased by £7.50.

(4) In sub-paragraph (3) “out of hours” has the meaning given by paragraph 13(4) of Schedule 2.

Refund of the prescribed fee

8.—(1) Where a certificate under paragraph 5 is issued following a re-examination on appeal, the fee for the re-examination shall be refunded to the person who paid it.

(2) No fee shall be refunded in the event of an examination not being carried out in consequence of any act or omission on the part of the person who paid the fee.