

1971 No. 352

ROAD TRAFFIC

The Goods Vehicles (Plating and Testing) Regulations 1971

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The Secretary of State for the Environment (hereinafter referred to as “the Secretary of State”) in exercise of his powers under sections 9 and 14(8) of the Road Safety Act 1967(a), as amended by section 148 of the Transport Act 1968(b) and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the Road Traffic Act 1960(c), as applied by section 29(6) of the said Act of 1967, hereby makes the following Regulations:—

PART I—GENERAL

Title and commencement

1. These Regulations may be cited as the Goods Vehicles (Plating and Testing) Regulations 1971 and shall come into operation on the 1st April 1971.

Revocation and Savings

2.—(1) The Goods Vehicles (Plating and Testing) Regulations 1968(d) and the Regulations amending those Regulations specified in Schedule 5 are hereby revoked, and the said Regulations of 1968, as so amended, are hereinafter referred to as “the Regulations of 1968.”.

(2) Notwithstanding the revocation of the Regulations of 1968, those Regulations, in so far as they apply in relation to a goods vehicle to which this paragraph applies for the purpose of providing for the date by which such a vehicle is required to be submitted for a first examination before the 1st April 1971 or for a periodical test before that date or for the purpose of providing for the time within which an application for such an examination or test is to be made, shall continue to apply for that purpose.

(3) The last preceding paragraph applies to a goods vehicle to which these Regulations apply—

- (a) being a motor vehicle registered before the 1st April 1970, or
- (b) being a motor vehicle manufactured before the 1st January 1968 and registered during the month of April, May or June 1970, or
- (c) being a motor vehicle manufactured before the 1st January 1970 and not registered before the 1st July 1970, or
- (d) being a trailer first sold or supplied by retail before the 1st April 1970, or
- (e) being a trailer manufactured before the 1st January 1968 and first sold or supplied by retail during the month of April, May or June 1970, or
- (f) being a trailer manufactured before the 1st January 1970 and not sold or supplied by retail before the 1st July 1970.

(4) In so far as any application for a first examination, periodical test or re-test made, particulars of a notifiable alteration, examination appointment card or notice sent, identification mark allotted, plating certificate, goods vehicle test certificate, notification of the refusal of such a certificate, certificate of temporary exemption or expedited certificate issued, or any other thing done, under a provision of the Regulations of 1968 could have been made, sent, allotted, issued or done under a corresponding provision of these Regulations, it shall not be invalidated by the revocation of the Regulations of 1968 but shall have effect as if made, sent, allotted, issued or done under that corresponding provision.

(a) 1967 c. 30.
(c) 1960 c. 16.

(b) 1968 c. 73.
(d) S.I. 1968/601 (1968 I. p. 1372).

(5) Without prejudice to paragraph (4) above, any reference in these Regulations to a thing done or made, or to an event which has occurred, under or for the purposes of or by reference to a provision of these Regulations shall, in so far as the context permits, be construed as including a reference to the corresponding thing done or made, or, as the case may be, to the corresponding event which occurred under, or for the purposes of, or by reference to, the corresponding provision of the Regulations of 1968.

Interpretation

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the 1960 Act” means the Road Traffic Act 1960;

“the 1967 Act” means the Road Safety Act 1967;

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations 1969(a) as amended (b);

“articulated vehicle” and “registered” have the same meanings respectively as in the Construction and Use Regulations;

“examination appointment card” means a notice mentioned in Regulation 14, 20(3), 26(4), 27(4), 33, 35(3), 43 or 44;

“first examination”, in relation to a vehicle, means an examination being both an examination for plating and a first goods vehicle test;

“Minister” means the Minister of Transport;

“Ministry plate” means a plate issued by the Secretary of State for a goods vehicle following the issue or amendment of a plating certificate under these Regulations and in the form in, and containing the particulars required by, Schedule 11 to the Construction and Use Regulations;

“Ministry test date disc” means a plate issued by the Secretary of State for a goods vehicle, being a trailer, following the issue of a goods vehicle test certificate for that trailer under these Regulations and containing the following particulars namely:—

(a) the identification mark allotted to that trailer and shown in that certificate;

(b) the date until which that certificate is valid;

(c) the number of the vehicle testing station shown in the said certificate;

“Part II re-test”, in relation to a vehicle, means an examination, being both an examination for plating and a goods vehicle test, carried out on a vehicle under Part II of these Regulations subsequent to a first examination of that vehicle;

“Part III re-test”, in relation to a vehicle, means a goods vehicle test carried out on a vehicle under Part III of these Regulations subsequent to a periodical test of that vehicle;

“Part IV test”, in relation to a vehicle, means a re-examination carried out on a vehicle under Part IV of these Regulations;

“periodical test”, in relation to a vehicle, means a goods vehicle test carried out by virtue of Part III of these Regulations on a vehicle in respect of which a goods vehicle test certificate has been issued for that vehicle on a first examination thereof or as a result of a Part II re-test following that examination

(a) S.I. 1969/321 (1969 I, p. 829).

(b) The relevant amending instrument is S.I. 1970/49 (1970 I, p. 326).

or as a result of an appeal under Regulation 26, 27 or 55 following that examination or re-test;

“re-test”, in relation to a vehicle, means either a Part II re-test or a Part III re-test;

“plated particulars” means those particulars which are required to be shown in a Ministry plate by Schedule 11 to the Construction and Use Regulations and “plated weights” means such of the plated particulars relating to gross weight, axle weight for each axle and train weight as are required to be shown in column (2) of the said plate;

“semi-trailer” means a trailer which is constructed or adapted to form part of an articulated vehicle;

“sold or supplied by retail”, in relation to a trailer, means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration;

“tester” means a person appointed by the Secretary of State to carry out or assist in the carrying out of examinations for plating or of goods vehicle tests under the directions of a goods vehicle examiner;

“the standard lists” means lists—

- (a) prepared by the Minister after consultation with representative organisations of the motor manufacturing and road transport industries and other connected organisations;
- (b) published by Her Majesty’s Stationery Office on the 21st February 1968, the 12th and 29th March 1968, the 3rd May and 31st May 1968, the 11th July and 22nd July 1968, the 27th September 1968, the 24th October 1968 and the 10th August 1970, but as amended by Amendment Lists No. 1, 2 and 3 so published on the 27th September 1968, the 22nd November 1968 and the 17th September 1970 respectively; and
- (c) showing as respects goods vehicles of a make, model and type specified in the lists and complying in the case of motor vehicles with certain particulars relating to the engine, transmission, brakes and dimensions so specified and in the case of trailers with certain particulars relating to type of coupling, dimensions, brakes and tyres so specified (the said particulars being hereinafter referred to in these Regulations as the “constructional particulars”) the gross weight for, and the axle weight for each axle of, vehicles of that make, model and type and, in the case of motor vehicles constructed or adapted to form part of an articulated vehicle, the train weight for vehicles of that make, model and type, the said weights being weights at or below which the Secretary of State considers vehicles of that make, model and type could safely be driven on roads having regard to—
 - (i) the weights at which vehicles of that make, model and type were originally designed to operate; and
 - (ii) in the case of motor vehicles the requirements as to brakes of Regulations 11, 43 and 48 of the Motor Vehicles (Construction and Use) Regulations 1966(a) prior to their amendment by the Motor Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 1968(b) (which requirements relate to vehicles for which plating certificates have not been issued);
 - (iii) in the case of trailers the requirements of Regulation 60 of the said Regulations of 1966; and

(a) S.I. 1966/1288 (1966 III, p. 3493).

(b) S.I. 1968/602 (1968 I, p. 1415).

(iv) in the case of trailers the provisions of Schedule 1 as respects braking force for trailers;

“vehicle testing station” means a station provided by the Secretary of State under section 24 of the 1967 Act.

(2) In these Regulations, any reference to a vehicle of a make, model and type shall, in relation to a trailer, include a reference to a vehicle of a make and bearing a serial number.

(3) For the purpose of these Regulations, in counting the number of axles of a vehicle, where the centres of the areas of contact between all the wheels and the road surface can be included between any two vertical planes at right angles to the longitudinal axis of the vehicle less than 3 feet 4 inches apart, those wheels shall be treated as constituting one axle.

(4) For the purpose of these Regulations, in determining when a trailer is first sold or supplied by retail the date of such first sale or supply by retail shall in the case of a trailer which is constructed with a chassis be taken to be the date on which that chassis (with or without a body mounted on it) is first sold or supplied by retail and in the case of any other trailer be taken to be the date the trailer is first sold or supplied by retail.

(5) Any reference in these Regulations to a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations except where otherwise expressly provided.

(6) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 were Acts of Parliament thereby repealed.

Application of Regulations

4.—(1) Subject to paragraph (2) of this Regulation, these Regulations apply to goods vehicles of any of the following classes, that is to say—

- (a) heavy motor cars and motor cars constructed or adapted for the purpose of forming part of an articulated vehicle;
- (b) other heavy motor cars;
- (c) other motor cars, the weight of which unladen exceeds 30 hundred-weight;
- (d) semi-trailers;
- (e) other trailers, the weight of which unladen exceeds 1 ton.

(2) Nothing in these Regulations shall apply to a goods vehicle of any of the classes of vehicle specified in Schedule 2.

Prescribed statutory requirements for goods vehicle tests

5.—(1) Subject to the provisions of these Regulations, every goods vehicle to which these Regulations apply submitted for a goods vehicle test in accordance with the provisions of these Regulations shall be examined for the purpose of ascertaining whether, where that vehicle is a motor vehicle, the construction and use requirements specified in Part I of Schedule 3 (except any such requirement as, by virtue of any provision in the regulation containing that requirement,

does not apply to that vehicle) are complied with in the case of that vehicle and, where that vehicle is a trailer, the construction and use requirements specified in Part II of the said Schedule (except as aforesaid) are complied with in the case of that trailer.

(2) The statutory requirements specified in Schedule 3 are in these Regulations referred to as “the prescribed construction and use requirements” and for the purposes of these Regulations the applicability of any such statutory requirement to a vehicle at the date of its goods vehicle test shall not be affected by Regulation 4(8)(b) of the Construction and Use Regulations.

Supervision of tests

6. Subject to the provisions of these Regulations, every examination for plating and every goods vehicle test shall be carried out by or under the direction of a goods vehicle examiner.

Authority to drive

7. A vehicle examiner or a tester by whom is carried out a first examination of a vehicle, a re-test of a vehicle, a periodical test of a vehicle or a Part IV test of a vehicle, an area mechanical engineer by whom is carried out a re-examination of a vehicle on an appeal under section 9(3) of the 1967 Act and an officer appointed by the Secretary of State to carry out a re-examination of a vehicle under section 9(4) of the 1967 Act are authorised to drive the vehicle, whether on a road or elsewhere.

Duties of driver of goods vehicle

8. The driver of a goods vehicle submitted for a first examination of the vehicle, a re-test of the vehicle, a periodical test of the vehicle, a Part IV test of the vehicle, or a re-examination of the vehicle on an appeal under section 9(3) or (4) of the 1967 Act shall, except so far as permitted to be absent by the person carrying out any such examination, be present throughout the whole of the said first examination, re-test, periodical test, Part IV test or re-examination, as the case may be, and shall drive the vehicle when directed to do so, and shall operate the controls in accordance with any directions given to him, by that person, and a contravention of a requirement of this Regulation is hereby declared to be an offence.

Conditions subject to which vehicles accepted for examinations

9.—(1) In this Regulation and the next succeeding Regulation, except where the context otherwise requires—

“examination” means either a first examination of a vehicle, a re-test of a vehicle, a periodical test of a vehicle, a Part IV test of a vehicle or a re-examination of a vehicle under section 9(3) or (4) of the 1967 Act;

“examiner” means, in relation to an examination being either a first examination of a vehicle, a re-test of a vehicle, a periodical test of a vehicle or a Part IV test of a vehicle, a goods vehicle examiner, and, in relation to a re-examination under section 9(3) of the 1967 Act, an area mechanical engineer, and in relation to a re-examination under section 9(4) of the 1967 Act the officer appointed by the Secretary of State to carry out that re-examination.

(2) The conditions subject to which goods vehicles, being motor vehicles, will be accepted for an examination are the following conditions set out in this Regulation.

(3) An examiner shall not be under an obligation to proceed with the carrying out of an examination of a goods vehicle, being a motor vehicle, in any of the following cases, that is to say—

- (a) if a vehicle is not submitted for the examination within thirty minutes after the time fixed under these Regulations for the examination;
- (b) where on the submission of a vehicle for the examination the applicant for the examination does not, after being requested to do so, produce the examination appointment card (if any) relating to the examination, and either the registration book relating to the vehicle or other evidence as to the date of its first registration, or, in the case of a vehicle not registered before the date of the examination, evidence as to its date of manufacture;
- (c) where on the submission of a vehicle for an examination the particulars relating to the vehicle and shown in any application form relevant to that examination are found to be substantially incorrect;
- (d) where the vehicle is one as respects which it has been stated in the said application form that it is to be used on roads to draw a trailer and in the last examination appointment card preceding the examination it was requested that the vehicle be accompanied by a trailer which is to be drawn by the vehicle, and the vehicle is not accompanied by such a trailer;
- (e) where the vehicle is not marked with the chassis or serial number shown in the registration book relating to that vehicle, or where if no such number is so shown or exists, the vehicle is not marked with an identification mark which shall have been allotted to the vehicle by the Minister or the Secretary of State in the examination appointment card relating to the first examination of the vehicle, or where that number or mark is not permanently affixed to the chassis or the main structure of the vehicle in a conspicuous and easily accessible position so as to be readily legible;
- (f) where the vehicle or any part thereof or any of its equipment or any trailer by which it is accompanied or any part of the trailer or any of its equipment is in such a dirty or dangerous condition as to make it unreasonable for the examination to be carried out in accordance with the provisions of these Regulations or of any directions given under section 9(7) of the 1967 Act, or where the applicant for the examination does not produce any certificate, required by the last examination appointment card preceding the examination, that a vehicle used for carrying toxic, corrosive or inflammable loads has been properly cleaned or otherwise rendered safe;
- (g) where an examiner is not able with the facilities and apparatus available to that examiner at the vehicle testing station or other place at which the examination would otherwise be carried out to complete the examination without the vehicle being driven and the vehicle is not when submitted for examination provided with fuel and oil to enable it to be driven to such extent as may be necessary for the purposes of the carrying out of the examination;
- (h) where on the submission of a vehicle for the examination that vehicle or any trailer which accompanies it is not in such a condition as respects the presence thereon or the absence therefrom of a load as may have been specified for the purposes of that examination in the last examination appointment card preceding that examination;
- (i) where an examiner is not able to complete the examination due to the failure of a part of the vehicle or of any trailer by which it is accompanied, the said failure being one which renders the vehicle or that trailer incapable of being moved, or moved in safety, under the power of the vehicle;

- (j) where on the submission of a vehicle for a periodical test or a Part III re-test, the driver of the vehicle does not produce to the examiner the last plating certificate (or a photo-copy thereof) and the last goods vehicle test certificate (or a photo-copy thereof) which have been issued in respect of that vehicle.

10.—(1) The conditions subject to which goods vehicles, being trailers, will be accepted for an examination are the following conditions set out in this Regulation.

(2) An examiner shall not be under an obligation to proceed with the carrying out of an examination of a goods vehicle, being a trailer, in any of the following cases, that is to say—

- (a) if a trailer is not submitted for the examination within thirty minutes after the time fixed under these Regulations for the examination;
- (b) where on the submission of a trailer for the examination, the applicant for the examination does not, after being requested to do so, produce the examination appointment card (if any) relating to the examination and evidence as to the date of manufacture of the trailer;
- (c) where on the submission of a trailer for an examination the particulars relating to the trailer and shown in any application form relevant to that examination are found to be substantially incorrect;
- (d) where the trailer is not accompanied by a motor vehicle suitable as to its construction and equipment for drawing that trailer;
- (e) where the trailer is not marked with an identification mark which shall have been allotted to the trailer by the Minister or the Secretary of State in the examination appointment card (if any) relating to the first examination of the trailer or shall have otherwise been allotted to the trailer by the Minister or the Secretary of State under these Regulations prior to that first examination, or where that mark is not permanently affixed to the chassis or the main structure of the trailer in a conspicuous and easily accessible position so as to be readily legible;
- (f) where the trailer or any part thereof or any of its equipment or any motor vehicle which accompanies it or any part of that vehicle or any of its equipment is in such a dirty or dangerous condition as to make it unreasonable for the examination to be carried out in accordance with the provisions of these Regulations or of any directions given under section 9(7) of the 1967 Act, or where the applicant for the examination does not produce any certificate, required by the last examination appointment card preceding the examination, that a vehicle used for carrying toxic, corrosive or inflammable loads has been properly cleaned or otherwise rendered safe;
- (g) where an examiner is not able with the facilities and apparatus available to that examiner at the vehicle testing station or other place at which the examination would otherwise be carried out to complete the examination without the motor vehicle which accompanies the trailer being driven and that motor vehicle is not provided with fuel and oil to enable it to be driven to such extent as may be necessary for the purposes of the carrying out of the examination;
- (h) where an examiner is not able with the facilities and apparatus available to that examiner at the vehicle testing station or other place at which the examination would otherwise be carried out to complete the examination

without the motor vehicle which accompanies the trailer being driven on a public road and that motor vehicle cannot be so used without contravention of section 7 of the Vehicles (Excise) Act 1962(a), because no licence under that Act is in force for the vehicle;

- (i) where on the submission of a trailer for the examination that trailer is not in such a condition as respects the presence thereon or the absence therefrom of a load as may have been specified for the purposes of that examination in the last examination appointment card (if any) preceding that examination or shall have otherwise been requested by the Minister or the Secretary of State under these Regulations;
- (j) where an examiner is not able to complete the examination due to the failure of a part of the trailer or of the motor vehicle which accompanies it, the said failure being one which renders the trailer or that motor vehicle incapable of being moved, or moved in safety, under the power of that motor vehicle;
- (k) where on the submission of a trailer for a periodical test or a Part III re-test, the driver of the motor vehicle which accompanies the trailer does not produce to the examiner the last plating certificate (or a photo-copy thereof) and the last goods vehicle test certificate (or a photo-copy thereof) which have been issued in respect of that trailer.

PART II—REGULATIONS GOVERNING FIRST EXAMINATIONS

Dates by which vehicles to be submitted for first examinations

11.—(1) Every goods vehicle to which these Regulations apply, being a motor vehicle manufactured on or after the 1st January 1970 and not registered before the 1st July in the next calendar year following the calendar year in which it was manufactured, shall be submitted for a first examination in the said next calendar year not later than the 31st December of that year.

(2) Every goods vehicle to which these Regulations apply, being—

- (a) a motor vehicle manufactured during 1968 or 1969 and registered during the month of April, May or June 1970; or
- (b) a motor vehicle not mentioned in paragraph (1) of this Regulation, manufactured on or after the 1st January 1970 and registered on or after the 1st April 1970,

shall be submitted for a first examination not later than the end of the calendar month in which falls the first anniversary of the date on which it was registered.

(3) Every goods vehicle to which these Regulations apply, being a trailer manufactured on or after the 1st January 1970 and not sold or supplied by retail before the 1st July in the next calendar year following the calendar year in which it was manufactured, shall be submitted for a first examination in the said next calendar year not later than the 31st December of that year.

(4) Every goods vehicle to which these Regulations apply, being

- (a) a trailer manufactured during 1968 or 1969 and first sold or supplied by retail during the month of April, May or June 1970; or
- (b) a trailer not mentioned in paragraph (3) of this Regulation, manufactured on or after the 1st January 1970 and first sold or supplied by retail on or after the 1st April 1970,

(a) 10 & 11 Eliz. 2. c. 13.

shall be submitted for a first examination not later than the end of the calendar month in which falls the first anniversary of the date on which it was first sold or supplied by retail.

(5) Nothing in the foregoing provisions of this Regulation shall be taken to prevent the Secretary of State authorising a goods vehicle being submitted for a first examination on or after the date by which it is required by those provisions to be submitted for such an examination.

Manner of making applications for first examinations and fees therefor

12.—(1) Subject to the provisions of these Regulations, any person wishing to have a first examination carried out on a goods vehicle to which these Regulations apply shall make an application for that purpose in accordance with the following provisions of this Regulation to the Secretary of State at the Goods Vehicle Centre, Swansea:

Provided that such an application may be made in the case of a trailer direct to a vehicle testing station, if the written consent of the Secretary of State (which consent may provide for the marking of, and load to be carried by, a trailer on its examination) to the application being so made has first been obtained from that Centre, and upon the receipt of the application the person in charge of the station shall arrange a date and time for the first examination to be carried out.

(2) Every such application shall be made on a form approved by the Secretary of State, shall contain the particulars required by that form and shall be accompanied by a fee of the amount shown in column 2 of Part I of Schedule 4 in relation to the relevant class of vehicle specified in column 1 in that Part.

Time within which applications to be made

13. Every application for a first examination of a goods vehicle to which these Regulations apply shall be made at least one month before the date on which the applicant desires to submit the vehicle for a first examination and on a date not earlier than 3 months before the last day by which it is required by these Regulations to be submitted for a first examination:

Provided that such an application may be accepted and dealt with, notwithstanding that it was not made in accordance with the foregoing provisions of this Regulation, if the Secretary of State is satisfied there were reasonable grounds for the application not having been so made.

Notice of place and time for first examinations

14.—(1) As soon as reasonably practicable after the date of the receipt of an application for a first examination for a vehicle to which these Regulations apply, the Secretary of State shall send to the applicant for that examination a notice stating the address of the vehicle testing station at which the examination is to take place and the date and time reserved by the Secretary of State for that examination:

Provided that the Secretary of State shall not be required to send to the applicant such a notice in a case where the application is made direct to a vehicle testing station by virtue of Regulation 12.

(2) In stating any address, date or time under the provisions of the last paragraph the Secretary of State shall so far as is reasonably practicable have regard to any preference as to that address, date or time expressed by the applicant in the application made by him for the first examination of the vehicle.

Examination for plating

15. For the purpose of determining the plated weights for a goods vehicle submitted for an examination for plating, a goods vehicle examiner shall first cause the vehicle to be examined in order to determine whether it is a vehicle of a make, model and type to which the standard lists apply, whether the constructional particulars relating to that make, model and type are substantially complied with by the vehicle and whether the weights shown in the lists are applicable to the vehicle, and for this purpose the examiner shall have regard to—

- (a) the particulars as respects the vehicle shown in the application mentioned in Regulation 12 relating to the vehicle; and
- (b) any information which may have been supplied by the Minister or the Secretary of State subsequent to the publication of the standard lists as to the applicability of any of the weights shown in those lists.

16. In the event of it being determined by the goods vehicle examiner that the goods vehicle submitted for an examination for plating is one of a make, model and type and otherwise one to which the weights shown in the standard lists are applicable there shall be determined in respect of the vehicle—

- (a) as its plated weights relating to gross weight and axle weight for each axle the equivalent weights shown as design weights in the standard lists for vehicles of that make, model and type:

Provided that if the use on roads of the vehicle at any such equivalent weight as is mentioned in this paragraph would render—

- (i) a motor vehicle, when not drawing a trailer, liable to be used in contravention of Regulation 71 of the Construction and Use Regulations;
- (ii) a trailer, to which Regulation 72(3) of the said Regulations does not apply, liable to be used in contravention of Regulation 72(1) and (2);
- (iii) a trailer, to which the said Regulation 72(3) does apply, liable to be used in contravention of the said Regulation 72(3); or
- (iv) a motor vehicle or trailer liable to be used in contravention of Regulation 75 or 125 of the said Regulations,

then such equivalent weight shall for the purpose of the determination of a plated weight under this Regulation be reduced to such extent as is necessary to ensure compliance with any such Regulation;

- (b) if the vehicle is a motor vehicle constructed or adapted to form part of an articulated vehicle, as its plated weight relating to train weight, the equivalent weight shown as a design weight in the standard lists for vehicles of that make, model and type:

Provided that, if any such equivalent weight is in excess of 32 tons in the case of a motor vehicle, being a prior 1968 vehicle or a post 1968 vehicle as defined in Regulation 74(3) of the Construction and Use Regulations, or in the case of any other motor vehicle in excess of 24 tons, then such equivalent weight shall for the purpose of the determination of a plated weight relating to train weight under this Regulation be reduced in the first mentioned case to 32 tons and in the second mentioned case to 24 tons.

17.—(1) In the event of it being determined by the goods vehicle examiner that the goods vehicle submitted for an examination for plating is not one of a make, model and type or otherwise one to which the weights shown in the standard lists are applicable, he shall determine the plated weights.

(2) In reaching the determination under the last paragraph as respects a goods vehicle, the goods vehicle examiner shall have regard—

- (a) to any information which may have been supplied by the Minister or the Secretary of State as to the plated weights which have been determined for similar vehicles under these Regulations as a result of an examination thereof for plating;
- (b) to its design, construction and equipment and the stresses to which it is likely to be subject when in use on roads;
- (c) to any information which may be available about the weights at which the vehicle was originally designed to be driven on roads;
- (d) if the vehicle or its equipment has, or appears to have, been altered since the date of its manufacture, to the likely effect of any such alteration in making the vehicle fit to be driven safely on roads at weights different from those at which it appears to the examiner the vehicle was originally designed to be so driven;
- (e) if the vehicle is a motor vehicle, to the requirements as to brakes specified in the definition of “standard lists” in Regulation 3(1);
- (f) if the vehicle is a trailer, to the requirements of Regulation 62 of the Construction and Use Regulations;
- (g) if the vehicle is a trailer, to the provisions of Schedule 1 as respects braking force for trailers; and
- (h) to the need for the vehicle to comply with the requirements of Regulations 71, 72, 75 and 125 of the Construction and Use Regulations and with the requirement that no plated weight relating to train weight for a motor vehicle constructed or adapted to form part of an articulated vehicle shall exceed, in the case of a motor vehicle, being a prior 1968 vehicle or a post 1968 vehicle as defined in Regulation 74(3) of the Construction and Use Regulations, 32 tons or, in any other case 24 tons.

18. After the determination of the plated weights for a goods vehicle submitted for an examination for plating, there shall be issued for that vehicle a plating certificate, unless there is a refusal for the vehicle of a goods vehicle test certificate.

Provision for goods vehicle test

19.—(1) After an examination for plating in respect of a goods vehicle has been carried out, a goods vehicle examiner shall arrange for the vehicle to undergo a goods vehicle test.

(2) After a goods vehicle test has been completed as respects a vehicle there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate and also a plating certificate for that vehicle, and
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notification of the refusal of a goods vehicle test certificate and in that event no plating certificate shall be issued for the vehicle.

Application for Part II re-tests

20.—(1) Where under Regulation 19(2)(b) a notification of the refusal of a goods vehicle test certificate is issued for a vehicle and accordingly no plating certificate is issued for the vehicle, it may be submitted and, if need be, from time

to time be submitted at a vehicle testing station for a Part II re-test in accordance with the following provisions of this Regulation.

(2) Where it is desired to submit a vehicle for a Part II re-test at the same vehicle testing station as that at which it was submitted for its first examination within a period of fourteen days after the date it was submitted for that examination, the applicant for the re-test shall first make arrangements in writing or otherwise with the person in charge of the station for a date and time at which the vehicle is to be submitted for the re-test.

(3) Where it is desired to submit a vehicle for a Part II re-test (not being a re-test falling within the next paragraph) at the vehicle testing station mentioned in the last preceding paragraph but not within the period therein mentioned or at a vehicle testing station different from that at which it was submitted for its first examination, the applicant for the re-test shall first make a written application to such vehicle testing station as he shall select for a date and time at which the vehicle may be submitted for the re-test and every such application shall be made not later than 7 days before the date on which the re-test is required on a form approved by the Secretary of State and shall contain the particulars required by that form, and upon receipt of the application the Secretary of State shall send to the applicant a notice stating when the re-test is to take place and in this connection shall have regard so far as is reasonably practicable to any preference expressed by the applicant as to when the re-test should take place.

(4) Where it is desired to submit a vehicle for a further Part II re-test at the same vehicle testing station as that at which it was submitted for a re-test under the last preceding paragraph within a period of 14 days after the date it was submitted for the last mentioned re-test, the applicant for the further Part II re-test shall first make arrangements in writing or otherwise with the person in charge of the station for a date and time at which the vehicle is to be submitted for the further re-test.

Fees for Part II re-tests

21.—(1) The fee payable for a Part II re-test of a vehicle carried out in accordance with arrangements made under Regulation 20(2) or (4) shall be of the amount specified in paragraph 1 of Part II of Schedule 4:

Provided that no fee shall be payable for such a re-test of a vehicle submitted within the relevant time, if it is the first re-test of the vehicle carried out following the first examination of the vehicle or following an earlier Part II re-test of the vehicle in respect of which a fee has been paid under this Regulation.

In this paragraph “relevant time” means the same day as that on which the said first examination or the said Part II re-test was completed or the next following day on which the vehicle testing station is open.

(2) The fee payable under the last preceding paragraph shall be paid to the Secretary of State on the submission of the vehicle for the Part II re-test to be carried out in accordance with the arrangements made under Regulation 20(2) or (4), and may be paid in cash.

(3) The fee payable for a Part II re-test of a vehicle carried out by virtue of Regulation 20(3) shall be of the amount specified in paragraph 2 of Part II of Schedule 4.

(4) The said fee shall be paid to the Secretary of State at the same time as the written application mentioned in Regulation 20(3) is made.

Part II re-tests

22.—(1) Where a vehicle is submitted for a Part II re-test at a vehicle testing station in accordance with the arrangements mentioned in Regulation 20(2) or (4) a goods vehicle examiner shall—

- (a) in a case where after examination of the vehicle he is satisfied that no alteration has been made to the vehicle or its equipment which would render the plated weights, where determined under Regulation 16, for the vehicle on its first examination inapplicable, determine for the vehicle as its plated weights the weights so determined;
- (b) in a case where he is not so satisfied, determine the plated weights for the vehicle having regard to the matters specified in Regulation 17(2);
- (c) in a case where at the first examination of the vehicle or at its last Part II re-test the plated weights were determined under Regulation 17, determine the plated weights for the vehicle having regard to the matters specified in Regulation 17(2); and
- (d) in carrying out a goods vehicle test be under an obligation only to examine the vehicle for the purpose of ascertaining whether it complies with the particular items of the prescribed construction and use requirements with which it was shown in the last notification of a refusal of a test certificate not to comply.

(2) Where a goods vehicle examiner finds that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in sub-paragraph (d) of the last preceding paragraph and has no reason to believe that the other prescribed construction and use requirements are not complied with in relation to the vehicle, there shall be issued a goods vehicle test certificate and also a plating certificate for the vehicle.

(3) Where a goods vehicle examiner does not find that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in sub-paragraph (d) of paragraph (1) of this Regulation or finds that the other prescribed construction and use requirements are not complied with in relation to the vehicle, there shall be issued a notification of the refusal of a test certificate and in that event no plating certificate shall be issued for the vehicle.

(4) Where a vehicle is submitted for a re-test at a vehicle testing station as a result of the application mentioned in Regulation 20(3) a goods vehicle examiner shall—

- (a) in a case where after examination of the vehicle he is satisfied that no alteration has been made to the vehicle or its equipment which would render the plated weights, where determined under Regulation 16, for the vehicle on its first examination inapplicable, determine for the vehicle as its plated weights the weights so determined;
- (b) in a case where he is not so satisfied, determine the plated weights for the vehicle having regard to the matters specified in Regulation 17(2);
- (c) in a case where at the first examination of the vehicle or at its last re-test, the plated weights were determined under Regulation 17, determine the plated weights for the vehicle having regard to the matters specified in Regulation 17(2); and
- (d) arrange for the vehicle to undergo a goods vehicle test.

(5) Where the goods vehicle test mentioned in the last preceding paragraph has been completed as respects the vehicle there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate and also a plating certificate for that vehicle; and
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notification of the refusal of a goods vehicle test certificate and in that event no plating certificate shall be issued for the vehicle.

Particulars to be contained in plating certificates

23. Every plating certificate issued for a vehicle under the foregoing provisions of these Regulations shall contain—

- (a) particulars of the plated weights determined for that vehicle under Regulation 16, 17 or 22;
- (b) where any such plated weight determined under Regulation 16 is less than the equivalent weight shown as a design weight in the standard lists, particulars of that equivalent weight;
- (c) where any such plated weight determined under Regulation 17 or having regard to the matters specified in Regulation 17(2) is less than the weight that would have been otherwise determined but for sub-paragraph (h) of paragraph (2) of Regulation 17, particulars of the last mentioned weight which shall be shown as a design weight;
- (d) particulars of the other plated particulars ascertained from the application mentioned in Regulation 12 and an inspection of the vehicle;
- (e) particulars of any alteration in the vehicle or its equipment which is required by these Regulations to be notified to the Secretary of State;
- (f) particulars of the sizes of the tyres fitted to the wheels of the vehicle at the time of the issue of the certificate, and of the particular conditions, if any, in which a vehicle when used on roads at or below its plated weights and fitted with those tyres properly maintained should as respects such tyres so maintained be driven;
- (g) the date on which it is issued and the number allotted by the Secretary of State to the vehicle testing station at which it is issued;

and shall be signed by the goods vehicle examiner who carried out, or under whose direction was carried out, the examination for plating or shall be signed on behalf of that examiner by a person authorised in that behalf by the examiner.

Particulars to be contained in test certificates and notifications of refusal thereof

24.—(1) Every goods vehicle test certificate issued for a vehicle under the foregoing provisions of these Regulations shall contain—

- (a) a statement that the vehicle was found to comply with the prescribed construction and use requirements; and
- (b) the period of validity of the certificate.

(2) Every notification of the refusal of a goods vehicle test certificate issued for a vehicle under the foregoing provisions of these Regulations shall contain a written notification of the refusal of a goods vehicle test certificate and of the grounds of such refusal.

(3) In addition to the particulars required by paragraph (1) or (2) of this Regulation, every such goods vehicle test certificate and every such notification of the refusal of a goods vehicle test certificate shall contain the following particulars—

- (a) in the case of a certificate or notification issued for a motor vehicle, the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chassis or serial number marked on the vehicle or, if no such number is so marked, the identification mark which shall have been allotted to the vehicle by the Minister or the Secretary of State in the examination appointment card relating to the first examination of the vehicle;
 - (b) in the case of a certificate or notification issued for a trailer, the identification mark which shall have been allotted to the trailer by the Minister or the Secretary of State in the examination appointment card (if any) relating to the first examination of the trailer or shall have otherwise been allotted to the trailer by the Minister or the Secretary of State under these Regulations;
 - (c) the date on which the certificate or the notification is issued and the number allotted by the Secretary of State to the vehicle testing station at which it is issued;
- and shall be signed by the goods vehicle examiner who carried out, or under whose direction was carried out, the goods vehicle test or shall be signed on behalf of that examiner by a person authorised in that behalf by the examiner.

Period of validity of first goods vehicle test certificate

25. Where a goods vehicle test certificate is issued for a goods vehicle, as a result of a first examination or a Part II re-test of that vehicle or an appeal under Regulation 26 or 27, the certificate shall be valid from the date of its issue until the last day (inclusive of that day) by which that vehicle is required by virtue of Part III of these Regulations to be submitted for a periodical test.

Appeals to area mechanical engineer

26.—(1) Any person aggrieved by a determination made on a first examination of a vehicle or a Part II re-test of a vehicle by the person in charge of the examination may appeal to an area mechanical engineer appointed by the Secretary of State to act for the traffic area in which that examination was made.

(2) Any such appeal shall be lodged at the office of the traffic area not later than 10 days from the date of the determination.

(3) Every appeal shall be made on a form approved by the Secretary of State and shall contain the particulars required by that form and shall be accompanied by a fee of fifteen pounds.

(4) As soon as reasonably practicable after the date of the receipt of the appeal, the area mechanical engineer shall send a notice stating where and when a re-examination for the purposes of determining the issues raised on the appeal is to take place addressed to the appellant at the address of the appellant stated in the form of appeal.

(5) The place to be selected by the area mechanical engineer for the re-examination for the purposes of the appeal may be either a vehicle testing station or such other place as he may consider convenient for the purpose of carrying out that re-examination.

(6) The vehicle shall be submitted for the re-examination at the place and time specified in the notice sent to the appellant under paragraph (4) of this Regulation, unless arrangements are made with the agreement of the area mechanical engineer for the carrying out of the examination at some other place and time.

(7) On the submission of a goods vehicle for a re-examination for the purposes of an appeal the person submitting the vehicle for the re-examination shall, if requested to do so by the area mechanical engineer, produce to that officer—

- (a) if the appeal relates to a determination made on an examination for plating, as a result of which a plating certificate was issued, that certificate;
- (b) if the appeal relates to a determination made on a goods vehicle test, the notification of the refusal of a goods vehicle test certificate issued as a result of that test.

(8) On the submission of a goods vehicle for a re-examination for the purposes of an appeal, the person submitting the vehicle for the re-examination shall, if requested to do so by the area mechanical engineer, give that officer such information as he may reasonably require relating to any alteration made or repairs carried out, or any accident or other event occurring, since the date of the determination appealed against, which may have affected the vehicle or its equipment.

(9) The said area mechanical engineer shall not be required to proceed with the carrying out of the re-examination unless the person submitting the vehicle for the re-examination complies with the provisions of paragraphs (7) and (8) of this Regulation and nothing in this paragraph shall be taken to be in derogation of the provisions of Regulation 9 or 10.

(10) Upon completion of the said re-examination the area mechanical engineer shall make such determination in the matter as he thinks fit, and may—

- (a) where the appeal relates to a determination made on an examination for plating as respects which a plating certificate was issued, either determine that such certificate was properly issued or issue a different plating certificate upon the surrender of the first mentioned certificate;
- (b) if the appeal relates to a determination made on a goods vehicle test, issue either a goods vehicle test certificate and a plating certificate for the vehicle or a notification of the refusal of a goods vehicle test certificate stating the grounds thereof and in that event no plating certificate shall be issued for the vehicle.

(11) Plating certificates, goods vehicle test certificates and notifications of the refusal of a goods vehicle test certificate issued under the foregoing provisions of this Regulation shall contain—

- (a) the same particulars as are appropriate in the case of plating certificates, goods vehicle test certificates and notifications of the refusal of a goods vehicle test certificate mentioned in Regulation 23 or 24, subject nevertheless to such modifications as may be appropriate and subject in the case of a plating certificate to that certificate showing particulars of the plated weights determined for that vehicle by the area mechanical engineer carrying out the examination for the purpose of the appeal;
- (b) in the case of a plating certificate—
 - (i) where the vehicle is one of a make, model and type and otherwise one to which the standard lists apply and any plated weight so determined by the area mechanical engineer is less than the equivalent weight shown as a design weight in such lists, particulars of that equivalent weight; and
 - (ii) where any plated weight so determined is less than the weight that would have been otherwise determined under Regulation 17(2) but for sub-paragraph (h) of paragraph (2) of Regulation 17, particulars of the last mentioned weight which shall be shown as a design weight; and shall be signed by that area mechanical engineer.

Appeals to Secretary of State

27.—(1) Any person aggrieved by the determination of an area mechanical engineer under the last foregoing Regulation may appeal to the Secretary of State.

(2) Any such appeal shall be lodged at the Goods Vehicle Centre, Swansea, not later than 14 days from the date of the determination and shall be accompanied by a fee of twenty-five pounds.

(3) Every appeal shall be made on a form approved by the Secretary of State and shall contain the particulars required by that form.

(4) As soon as reasonably practicable after the date of the receipt of the appeal, the Secretary of State shall send a notice stating where and when a re-examination for the purposes of determining the issues raised on appeal is to take place addressed to the appellant at the address of the appellant stated in the form of appeal.

(5) The place to be selected by the Secretary of State for the re-examination for the purposes of the appeal may be either a vehicle testing station or such other place as he may consider convenient for the purpose of carrying out that re-examination.

(6) The vehicle shall be submitted for re-examination at the place and time specified in the notice sent to the appellant under paragraph (4) of this Regulation, unless arrangements are made with the agreement of the Secretary of State for the carrying out of the re-examination at some other place and time.

(7) On the submission of a goods vehicle for a re-examination for the purposes of an appeal the person submitting the vehicle for the re-examination shall, if requested to do so by the officer appointed by the Secretary of State to re-examine the vehicle, produce to that officer—

- (a) if the appeal relates to a determination made by an area mechanical engineer in connection with any such plating certificate as is mentioned in Regulation 26(10), that certificate;
- (b) if the appeal relates to a determination made by an area mechanical engineer in connection with a notification of the refusal of a goods vehicle test certificate issued under Regulation 26(10)(b), that notification.

(8) On the submission of a goods vehicle for a re-examination for the purposes of an appeal, the person submitting the vehicle for the re-examination shall, if requested to do so by the officer appointed by the Secretary of State to re-examine the vehicle, give that officer such information as he may reasonably require relating to any alteration made or repairs carried out, or any accident or other event occurring, since the date of the determination appealed against, which may have affected the vehicle or its equipment.

(9) The said officer shall not be required to proceed with the carrying out of the re-examination unless the person submitting the vehicle for the re-examination complies with the provisions of paragraphs (7) and (8) of this Regulation and nothing in this paragraph shall be taken to be in derogation of the provisions of Regulation 9 or 10.

(10) Upon completion of the said re-examination the Secretary of State shall make such determination on the basis of the re-examination as he thinks fit, and may—

- (a) where the appeal relates to a determination made in connection with an examination for plating as respects which a plating certificate was issued,

either determine that such certificate was properly issued or issue a different plating certificate upon surrender of the first mentioned certificate; and

- (b) where the appeal relates to a determination made by an area mechanical engineer in connection with a notification of the refusal of a goods vehicle test certificate, issue either a goods vehicle test certificate and a plating certificate for the vehicle or a notification of the refusal of a goods vehicle test certificate stating the grounds thereof and in that event no plating certificate shall be issued for the vehicle.

(11) Plating certificates, goods vehicle test certificates and notifications of the refusal of a goods vehicle test certificate issued under the foregoing provisions of this Regulation shall contain—

- (a) the same particulars as are appropriate in the case of plating certificates, goods vehicle test certificates and notifications of the refusal of a goods vehicle test certificate mentioned in Regulation 23 or 24, subject nevertheless to such modifications as may be appropriate and subject in the case of a plating certificate to that certificate showing particulars of the plated weights determined for that vehicle by the Secretary of State;

- (b) in the case of a plating certificate—

(i) where the vehicle is one of a make, model and type and otherwise one to which the standard lists apply and any plated weight so determined by the Secretary of State is less than the equivalent weight shown as a design weight in such lists, particulars of that equivalent weight; and

(ii) where any plated weight so determined is less than the weight that would have been otherwise determined under Regulation 17(2) but for sub-paragraph (h) of paragraph (2) of Regulation 17, particulars of the last mentioned weight which shall be shown as a design weight; and

shall be signed on behalf of the Secretary of State by an officer appointed by him for the purpose.

PART III—REGULATIONS GOVERNING GOODS VEHICLE TESTS REQUIRED TO BE CARRIED OUT AT INTERVALS

Dates by which goods vehicles to be submitted for periodical tests

28.—(1) A goods vehicle to which these Regulations apply and registered before the 1st January 1968, being a motor vehicle for which a goods vehicle test certificate has been issued prior to the 1st April 1971—

- (a) shall on or after the 1st April 1971 be submitted for a periodical test, subject to the provisions of sub-paragraph (b) of this paragraph, not later than the end of the month in each calendar year in which month falls the anniversary of the date on which it was registered;
- (b) where the vehicle was in pursuance of sub-paragraph (b) of Regulation 27(1) of the 1968 Regulations submitted for a first periodical test earlier than two months before the last date in the period of twelve months beginning on the 1st April 1970 by which it was required by sub-paragraph (a) of that Regulation to be submitted for that test, and following that test or a Part III re-test a goods vehicle test certificate was issued for the vehicle during a month before the month in which fell the said last date, then the vehicle shall be submitted on or after the 1st April 1971 for a periodical test not later than the end of the month in each calendar year in which month falls the anniversary of the date of issue of the said certificate.

(2) A goods vehicle to which these Regulations apply, being a trailer manufactured before the 1st January 1968, in respect of which its first goods vehicle test certificate has been issued prior to the 1st April 1971, shall be submitted on or after that date for a periodical test not later than the end of the relevant month in each calendar year.

For the purposes of this paragraph "relevant month" means the month indicated by the last figure, or the two last figures where they are 10, 11 or 12, included in the identification mark which was allotted to the trailer by the Minister or the Secretary of State in the examination appointment card (if any) relating to the first examination of the trailer or shall have otherwise been allotted to the trailer by the Minister or the Secretary of State for the purposes of that first examination.

(3) Nothing in the provisions of this Regulation or of the next two following Regulations shall be taken to prevent the Secretary of State authorising a goods vehicle to which these Regulations apply being submitted for a periodical test on or after the date by which that goods vehicle is required by those provisions to be submitted for such a test.

29. A goods vehicle to which these Regulations apply, other than a vehicle mentioned in the last preceding Regulation, in respect of which its first goods vehicle test certificate has been issued in any calendar year, shall on or after the 1st April 1971 be submitted for a periodical test not later than the end of the month in each calendar year in which month falls the anniversary of the date of issue of the said certificate.

30.—(1) For the purposes of this Regulation,

"expedited certificate" means a goods vehicle test certificate under these Regulations for a goods vehicle, the date of issue of which falls in a month, being a month at an interval of one month or more prior to the month at the end of which another goods vehicle test certificate issued for that vehicle will expire.

(2) Where at any time in a calendar year an expedited certificate is issued under these Regulations for a goods vehicle to which these Regulations apply, being a trailer, then notwithstanding anything to the contrary contained in Regulation 28(2) or Regulation 29 the goods vehicle shall be submitted on or after the 1st April 1971 for a periodical test not later than the end of the month in each following calendar year in which month falls the anniversary of the date of issue of the expedited certificate last issued for that vehicle.

Manner of making applications for periodical tests and fees therefor

31.—(1) Subject to the provisions of these Regulations, any person wishing to have a periodical test carried out on a goods vehicle to which these Regulations apply shall make an application for the purpose in accordance with the following provisions of this Regulation to the Secretary of State at the Goods Vehicle Centre, Swansea:

Provided that such an application may be made in the case of a trailer direct to a vehicle testing station, if the written consent of the Secretary of State (which consent may provide for the load to be carried by a trailer on the examination) to the application being so made has first been obtained from that Centre and upon receipt of the application the person in charge of the station shall arrange a date and time for the periodical test to be carried out.

(2) Every such application shall be on a form approved by the Secretary of State and shall be accompanied by a fee of the amount shown in column 2 in Part III of Schedule 4 in relation to the relevant class of vehicle specified in column 1 in that Part.

Time within which applications to be made

32. Every application for a periodical test of a goods vehicle to which these Regulations apply shall be made at least one month before the date the applicant desires to submit the vehicle for a periodical test and on a date not earlier than 3 months before the last day by which the periodical test for that vehicle is by Regulation 28, 29 or 30 required to be carried out:

Provided that such an application may be accepted and dealt with, notwithstanding that it was not made in accordance with the foregoing provisions of this Regulation, if the Secretary of State is satisfied that there were reasonable grounds for the application not having been so made.

Notice of place and time for periodical test

33.—(1) As soon as reasonably practicable after the date of the receipt of an application for a periodical test for a vehicle to which these Regulations apply, the Secretary of State shall send to the applicant for that test a notice stating the address of the vehicle testing station at which the test is to take place and the date and time reserved by the Secretary of State for that test:

Provided that the Secretary of State shall not be required to send to the applicant such a notice in a case where the application is made direct to a vehicle testing station by virtue of Regulation 31.

(2) In stating any address, date or time under the provisions of the last paragraph the Secretary of State shall so far as is reasonably practicable have regard to any preference as to that address, date or time expressed by the applicant in the application made by him for the periodical test of the vehicle.

Provision for periodical test

34.—(1) On the submission of a goods vehicle to which these Regulations apply for a periodical test, a goods vehicle examiner shall arrange for the vehicle to undergo the test.

(2) After a periodical test has been carried out on a vehicle, a goods vehicle examiner shall—

- (a) where it is found to comply with the prescribed construction and use requirements, issue a goods vehicle test certificate, and
- (b) where it is found not to comply with the prescribed construction and use requirements, issue a notification of the refusal of a goods vehicle test certificate.

Application for Part III re-tests

35.—(1) Where under Regulation 34(2)(b) a notification of the refusal of a goods vehicle test certificate is issued for a vehicle, it may be submitted and, if need be, from time to time be submitted at a vehicle testing station for a Part III re-test in accordance with the following provisions of this Regulation.

(2) Where it is desired to submit a vehicle for a Part III re-test at the same vehicle testing station as that at which it was submitted for the last periodical test within a period of fourteen days after the date it was submitted for that

periodical test, the applicant for the Part III re-test shall first make arrangements in writing or otherwise with the person in charge of the station for a date and time at which the vehicle is to be submitted for the re-test.

(3) Where it is desired to submit a vehicle for a Part III re-test (not being a re-test falling within the next paragraph) at the vehicle testing station mentioned in the last preceding paragraph but not within the period therein mentioned or at a vehicle testing station different from that at which it was submitted for the last periodical test, the applicant for the Part III re-test shall first make a written application to such vehicle testing station as he shall select for a date and time at which the vehicle may be submitted for the re-test and every such application shall be made not later than 7 days before the date on which the re-test is required on a form approved by the Secretary of State and upon receipt of the application the Secretary of State shall send to the applicant a notice stating when the re-test is to take place and in this connection shall have regard so far as is reasonably practicable to any preference expressed by the applicant as to when the re-test should take place.

(4) Where it is desired to submit a vehicle for a further Part III re-test at the same vehicle testing station as that at which it was submitted for a Part III re-test under the last preceding paragraph within a period of 14 days after the date it was submitted for the last mentioned re-test, the applicant for the further Part III re-test shall first make arrangements in writing or otherwise with the person in charge of the station for a date and time at which the vehicle is to be submitted for the further re-test.

Fees for Part III re-tests

36.—(1) The fee payable for a Part III re-test of a vehicle carried out in accordance with arrangements made under Regulation 35(2) or (4) shall be of the amount specified in paragraph 1 of Part IV of Schedule 4:

Provided that no fee shall be payable for such a re-test of a vehicle submitted within the relevant time, if it is the first re-test of the vehicle carried out following the last periodical test of the vehicle or following an earlier Part III re-test of the vehicle in respect of which a fee has been paid under this Regulation.

In this paragraph “relevant time” means the same day as that on which the said periodical test or the said Part III re-test was completed or the next following day on which the vehicle testing station is open.

(2) The fee payable under the last preceding paragraph shall be paid to the Secretary of State on the submission of the vehicle for the Part III re-test to be carried out in accordance with the arrangements made under Regulation 35(2) or (4) and may be paid in cash.

(3) The fee payable for a Part III re-test of a vehicle carried out by virtue of Regulation 35(3) shall be of the amount specified in paragraph 2 of Part IV of Schedule 4.

(4) The said fee shall be paid to the Secretary of State at the same time as the written application mentioned in Regulation 35(3) is made.

Part III re-tests

37.—(1) Where a vehicle is submitted for a Part III re-test at a vehicle testing station in accordance with the arrangements mentioned in Regulation 35(2) or (4), a goods vehicle examiner shall in carrying out a goods vehicle

test be under an obligation only to examine the vehicle for the purpose of ascertaining whether it complies with the particular items of the prescribed construction and use requirements with which it was shown in the last notification of a refusal of a test certificate not to comply.

(2) Where a goods vehicle examiner finds that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in the preceding paragraph and has no reason to believe that the other prescribed construction and use requirements are not complied with in relation to the vehicle, there shall be issued a goods vehicle test certificate.

(3) Where a goods vehicle examiner does not find that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in paragraph (1) of this Regulation or finds that the other prescribed construction and use requirements are not complied with in relation to the vehicle, there shall be issued a notification of the refusal of a test certificate.

(4) Where a vehicle is submitted for a re-test at a vehicle testing station as a result of the application mentioned in Regulation 35(3) a goods vehicle examiner shall arrange for the vehicle to undergo a goods vehicle test.

(5) Where the goods vehicle test mentioned in the last preceding paragraph has been completed as respects a vehicle there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate; and
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notification of the refusal of a goods vehicle test certificate.

Form of certificates etc.

38. Goods vehicle test certificates and notifications of the refusal of a goods vehicle test certificate issued under Regulation 34 or 37 shall contain the same particulars as are appropriate in the case of goods vehicle test certificates and notifications of the refusal of a goods vehicle test certificate mentioned in Regulation 24 and shall be signed in the same manner as is provided in Regulation 24.

Period of validity of goods vehicle test certificate issued on periodical tests

39.—(1) Subject to paragraphs (2) and (3) of this Regulation, where a goods vehicle test certificate is issued for a goods vehicle, as a result of a periodical test of a vehicle, a Part III re-test of that vehicle or an appeal under Regulation 40, the certificate shall be valid from the date of its issue until the last day (inclusive of that day) by which that vehicle is required by virtue of Regulation 28 or Regulation 29 or Regulation 30 to be submitted again for a periodical test.

(2) In a case where a goods vehicle test certificate is issued for a goods vehicle (being a vehicle for which no other such certificate is in force immediately prior to such issue) after the last date (hereinafter referred to as “the due date”) by which that vehicle was required by virtue of Regulation 28 or Regulation 29 or Regulation 30 to have been submitted for a periodical test but not more than 10 months after that date, the certificate shall be valid from the date of its issue until the expiration of one year from the due date.

(3) In a case where a goods vehicle test certificate is issued for a goods vehicle (being a vehicle for which no other such certificate is in force immediately prior to such issue) more than 10 months, but less than 12 months, after the due date, the certificate shall be valid from the date of its issue until the expiration of two years from the due date.

Appeals following periodical tests

40.—(1) Any person aggrieved by a determination made on a periodical test of a vehicle or a Part III re-test of a vehicle by the person in charge of that periodical test or that Part III re-test may appeal to an area mechanical engineer appointed by the Secretary of State to act for the traffic area in which that periodical test or, as the case may be, that Part III re-test was made.

(2) The provisions of Regulation 26(2) to (11) shall apply in relation to any appeal under the last paragraph as they apply in relation to an appeal under that Regulation relating to a determination made on a goods vehicle test, and for the purposes of such application of the said provisions each reference in Regulation 26(10)(b) to a plating certificate shall be treated as being omitted.

(3) Any person aggrieved by the determination of an area mechanical engineer under the preceding paragraphs of this Regulation may appeal to the Secretary of State.

(4) The provisions of Regulation 27(2) to (11) shall apply in relation to any appeal under the last preceding paragraph as they apply in relation to an appeal under that Regulation relating to a determination made by an area mechanical engineer in connection with a notification of the refusal of a goods vehicle test certificate issued under Regulation 26(10)(b), and for the purposes of such application of the said provisions the reference in Regulation 27(7)(b) to Regulation 26(10)(b) shall be treated as a reference to Regulation 26(10)(b) as applied by paragraph (2) of this Regulation and each reference in Regulation 27(10)(b) to a plating certificate shall be treated as being omitted.

**PART IV—REGULATIONS GOVERNING NOTIFIABLE ALTERATIONS,
AMENDMENTS OF PLATING CERTIFICATES AND RE-EXAMINATIONS IN
CONNECTION THEREWITH**

Interpretation

41. In this Part of the Regulations “notifiable alteration”, in relation to a goods vehicle to which these Regulations apply, means—

- (a) an alteration made in the structure or fixed equipment of the vehicle which varies the carrying capacity of the vehicle;
- (b) an alteration, otherwise than by way of replacement of a part, adversely affecting any part of a braking system with which the vehicle is equipped or of the means of operation of that system; or
- (c) any other alteration made in the structure or fixed equipment of the vehicle which materially renders the vehicle unsafe to travel on roads at any weight equal to any plated weight shown in the plating certificate for that vehicle.

Secretary of State to be informed of notifiable alterations

42. On a notifiable alteration being made to a goods vehicle to which these Regulations apply and in respect of which a plating certificate has been issued under these Regulations, particulars of that alteration shall be sent on a form approved by the Secretary of State to the Secretary of State at the Goods Vehicle Centre, Swansea, before the vehicle to which the alteration has been made is used on roads, and any such form may also contain a request by the sender thereof (hereinafter referred to as “the sender”) for an amendment to be made as respects a plated weight shown on the plating certificate for the said vehicle.

Provision as to re-examination

43.—(1) Where particulars of a notifiable alteration made to a goods vehicle are sent to the Secretary of State in the form mentioned in the last preceding Regulation and such a request as is therein mentioned is made in the form, the Secretary of State shall require the vehicle to be submitted for a re-examination at a place, date and time specified in a notice sent by him to the sender and in this connection shall have regard so far as is reasonably practicable to any preference expressed by the sender as to when and where the re-examination should take place.

(2) Where particulars of a notifiable alteration made to a goods vehicle are sent to the Secretary of State in the said form and no such request is made therein, the Secretary of State shall determine whether the vehicle shall be required to be re-examined.

(3) In the event of the Secretary of State determining under the last preceding paragraph—

(a) that no re-examination of the vehicle is required, he shall notify in writing the sender accordingly; or

(b) that a re-examination of the vehicle is required, he shall by notice inform the sender accordingly and in such notice specify the place, date and time at which the vehicle is to be submitted for the re-examination and in this connection shall have regard so far as is reasonably practicable to any preference expressed by the sender as to when and where the re-examination should take place.

44.—(1) Where otherwise than by reason of a notifiable alteration, any particular (with reference to a plated weight or any other matter) contained in a plating certificate for a goods vehicle to which these Regulations apply may have become no longer applicable to that vehicle, an application on a form approved by the Secretary of State may be made to him at the Goods Vehicle Centre, Swansea, for the purpose of having the vehicle re-examined with a view to having that particular amended.

(2) On receipt of the said form, the Secretary of State shall require the vehicle to be submitted for a re-examination at a place, date and time specified in a notice sent by him to the person forwarding the said form (which person is also hereinafter referred to as “the sender”) and in this connection shall have regard so far as is reasonably practicable to any preference expressed by the sender as to when and where the re-examination should take place.

Fee for re-examination

45. Where such a request as is mentioned in Regulation 42 is contained in the form mentioned in that Regulation or where an application mentioned in Regulation 44 is made, a fee of five pounds shall be sent to the Secretary of State with that form or, as the case may be, with that application.

Conditions subject to which vehicles accepted for re-examination

46. A goods vehicle examiner shall not be under an obligation to proceed with the carrying out of a re-examination of a vehicle under this Part of the Regulations where on the submission of a vehicle for the re-examination the sender does not, after being required to do so, produce to the examiner the plating certificate relating to the vehicle, and nothing in this paragraph shall be taken to be in derogation of Regulation 9 or 10.

Re-examination

47.—(1) On the submission of a vehicle for a re-examination under this Part of the Regulations, a goods vehicle examiner shall in a case where the re-examination is carried out by reason of a notifiable alteration examine the vehicle for the purpose of determining to what extent that notifiable alteration has rendered the plated weights shown in the plating certificate relating to that vehicle no longer appropriate and in any other case examine the vehicle for the purpose of determining to what extent any particular contained in the said plating certificate is no longer applicable.

(2) On the completion of the re-examination, the goods vehicle examiner shall either—

- (a) notify in writing the sender that—
 - (i) the said notifiable alteration has not rendered the plated weight shown in the said plating certificate no longer appropriate, or
 - (ii) the said particular is still applicable; or
- (b) amend the plating certificate to show any new plated weights or any new particular which the examiner has determined for the vehicle; or
- (c) if he thinks fit issue a new plating certificate in the place of the plating certificate produced under Regulation 46 which shall be marked as cancelled by the vehicle examiner.

(3) Any goods vehicle examiner amending or cancelling a plating certificate shall authenticate the amendment or cancellation by showing on the certificate his name, the address of the place at which the certificate was amended or cancelled and the date of such amendment or cancellation.

(4) Where a new plating certificate is issued for a vehicle it shall contain—

- (a) particulars of any plated weights determined for the vehicle under this Regulation;
- (b) where the vehicle is one of a make, model and type and otherwise one to which the standard lists apply and any such plated weight so determined is less than the equivalent weight shown as a design weight in such lists, particulars of that equivalent weight;
- (c) where any such plated weight so determined is less than the weight that would have been otherwise determined under Regulation 17(2) but for sub-paragraph (h) of paragraph (2) of Regulation 17, particulars of the last mentioned weight which shall be shown as a design weight;
- (d) any other new particular determined for the vehicle under this Regulation;
- (e) subject as aforesaid, the same particulars as are appropriate in the case of the plating certificate mentioned in Regulation 23, but with such modifications as may be appropriate.

(5) A new plating certificate shall be signed by the goods vehicle examiner who carried out the re-examination, or under whose direction the re-examination was carried out, or shall be signed on behalf of that examiner by a person authorised in that behalf by that examiner.

Appeals following re-examinations

48.—(1) Any person aggrieved by a determination made on a re-examination of a vehicle under this Part of the Regulations by the person in charge of that re-examination may appeal to an area mechanical engineer appointed by the Secretary of State to act for the traffic area in which that re-examination took place.

(2) The provisions of Regulation 26(2) to (9) shall apply in relation to an appeal under the last paragraph as they apply to an appeal under that Regulation, but for the purposes of such application of the said provisions paragraph (7) of Regulation 26 shall have effect as though sub-paragraphs (a) and (b) were omitted and for those paragraphs there were substituted a reference to any plating certificate relevant to the appeal.

(3) Upon completion of the re-examination of the vehicle for the purposes of the appeal, the area mechanical engineer shall make such determination in the matter as he thinks fit and may issue a different plating certificate upon the surrender of any plating certificate previously issued for the vehicle.

(4) Any different plating certificate issued under the last preceding paragraph shall contain—

- (a) the same particulars as are appropriate in the case of the plating certificate mentioned in Regulation 23, subject nevertheless to such modifications as may be appropriate and subject to the certificate showing particulars of the plated weights determined for that vehicle by the area mechanical engineer carrying out the re-examination for the purposes of the appeal in a case where any such plated weight is so determined;
- (b) where the vehicle is one of a make, model and type and otherwise one to which the standard lists apply and any such plated weight so determined is less than the equivalent weight shown as a design weight in such lists, particulars of that equivalent weight;
- (c) where any such plated weight so determined is less than the weight that would have been otherwise determined under Regulation 17(2) but for sub-paragraph (h) of paragraph (2) of Regulation 17, particulars of the last mentioned weight which shall be shown as a design weight;

and shall be signed by that area mechanical engineer.

(5) Any person aggrieved by the determination of an area mechanical engineer under paragraph (3) of this Regulation may appeal to the Secretary of State.

(6) The provisions of Regulation 27(2) to (9) shall apply in relation to an appeal under the last preceding paragraph as they apply in relation to an appeal under that Regulation, but for the purposes of such application of the said provisions paragraph (7) of Regulation 27 shall have effect as though sub-paragraphs (a) and (b) were omitted and for those paragraphs there were substituted a reference to any plating certificate relevant to the appeal.

(7) Upon completion of the re-examination for the purposes of the appeal, the Secretary of State shall make such determination on the basis of the re-examination as he thinks fit and may issue a different plating certificate upon the surrender of any plating certificate previously issued for the vehicle.

(8) Any different plating certificate issued under the last preceding paragraph shall contain—

- (a) the same particulars as are appropriate in the case of the plating certificate mentioned in Regulation 23, subject nevertheless to such modifications as may be appropriate and subject to the certificate showing particulars of the plated weights determined for that vehicle by the Secretary of State in a case where any such plated weight is so determined;
- (b) where the vehicle is of a make, model and type and otherwise one to which the standard lists apply and any such plated weight so determined is less than the equivalent weight shown as a design weight in such lists, particulars of that equivalent weight;

(c) where any such plated weight so determined is less than the weight that would have been otherwise determined under Regulation 17(2) but for sub-paragraph (h) of paragraph (2) of Regulation 17, particulars of the last mentioned weight which shall be shown as a design weight; and shall be signed on behalf of the Secretary of State by an officer appointed by him for the purpose.

PART V—MISCELLANEOUS MATTERS

Method of payment of fees

49. Except where by these Regulations provision is made for fees to be payable to the Secretary of State in cash, all fees payable to the Secretary of State under these Regulations shall be paid by cheque, money order or postal order.

General provision as to fees

50.—(1) Where any fee under these Regulations in respect of a first examination of a vehicle, a re-test of a vehicle to be carried out by virtue of Regulation 20(3) or Regulation 35(3), a periodical test of a vehicle or a Part IV test of a vehicle has been paid to the Secretary of State at the Goods Vehicle Centre, Swansea, or at a vehicle testing station, the said fee shall, subject as hereinafter provided in this Regulation, be payable notwithstanding that the vehicle is not submitted for any such examination on the day and within thirty minutes after the time fixed under these Regulations for that examination.

(2) If in the following circumstances—

- (a) the applicant for the examination in question has not less than 14 days (or not less than 3 days in the case of a Part IV test) before the day fixed under these Regulations for the carrying out of that examination given the Secretary of State notice (whether in writing or otherwise) at the said Goods Vehicle Centre that the applicant does not propose to submit the vehicle for examination on the said day; or
- (b) the said applicant satisfies the Secretary of State that the vehicle could not be submitted for the examination in question on the day and within 30 minutes of the time fixed for the carrying out of that examination owing to an accident involving the vehicle arising not more than 14 days (or not more than 3 days in the case of a Part IV test) before the said time and of which notice is given to the Secretary of State whether in writing or otherwise within 3 days of the happening thereof,

then either—

- (i) the said applicant may give notice (whether in writing or otherwise) to the Secretary of State at the time of the notice given under paragraph 2(a) or (b) of this Regulation, or within 28 days of the date thereof, requesting another examination of the same kind for that vehicle or another vehicle, and in that event the said fee shall be treated as payable in respect of that other examination; or
- (ii) the said applicant may give notice to the Secretary of State at the said Goods Vehicle Centre at the time of the notice given under paragraph 2(a) or (b) of this Regulation or within 28 days of the date thereof, that no other examination of the same kind is required for that vehicle or another vehicle, and in that event the said fee, less a sum of 75 new pence, shall be repaid by the Secretary of State to the said applicant.

51. Where any fee payable in accordance with the foregoing provisions of these Regulations for a first examination of a vehicle, a re-test of a vehicle, a periodical test of a vehicle or a Part IV test of a vehicle or a re-examination of the vehicle under section 9(3) or (4) of the 1967 Act has been paid to the Secretary of State, the said fee shall be payable notwithstanding that any such examination is not carried out by reason of any of the provisions contained in Regulation 9 or 10 so, however, that nothing in this Regulation shall be taken as affecting the provisions of Regulation 50(2).

Particular provision as to fees on appeal

52.—(1) After the completion of a re-examination for the purposes of an appeal under section 9(3) or (4) of the 1967 Act the Secretary of State may repay to the appellant, as he thinks fit, either the whole or part of the fee paid on the appeal, where it appears to him there were substantial grounds for contesting the whole or part of the determination appealed from.

(2) A fee payable on an appeal in accordance with the foregoing provisions of these Regulations shall be payable notwithstanding that the vehicle is not submitted for re-examination in accordance with Regulation 26(6) or 27(6) or in accordance with either such Regulation as applied by any other Regulation contained in these Regulations:

Provided that, if the appellant has before the time fixed under the said Regulation 26 or 27 or under either such Regulation as so applied for the carrying out of the re-examination given the Secretary of State not less than two clear days' notice (whether in writing or otherwise) at the office at which his appeal was lodged that the appellant does not propose to submit the vehicle for re-examination at that time, the appeal shall be treated for the purposes of this Regulation as one in respect of which no fee is payable and any amount previously paid in respect of such a fee shall be repaid by the Secretary of State to the appellant unless another time is arranged for the carrying out of the re-examination.

Applications for replacements for plates, plating certificates and test certificates

53.—(1) If a Ministry plate, a plating certificate, a goods vehicle test certificate or a Ministry test date disc has been lost or defaced, an application for the issue of a replacement for the plate, certificate or disc lost or defaced may be made in writing to the Goods Vehicle Centre, Swansea.

(2) On the receipt of such an application and being paid a fee of one pound where the application relates to a Ministry plate or a plating certificate, or fifty new pence where the application relates to a goods vehicle test certificate or a Ministry test date disc, the Secretary of State shall issue to the applicant a replacement for the plate, certificate or disc to which the application relates and any such replacement shall have the same effect as the plate, certificate or disc which it replaces and shall be marked "replacement".

Provision as to notices under Regulations

54.—(1) Except as otherwise provided in these Regulations, every notice under these Regulations shall be in writing and may be given by post.

(2) For the purposes of calculating the period of any notice which may be given under these Regulations Saturdays, Sundays and public holidays shall be excluded from that period.

PART VI—REGULATION RELATING TO CROWN VEHICLES

Provision as to Crown vehicles

55.—(1) In relation to goods vehicles in the public service of the Crown which are registered or are liable to be registered under the Vehicles (Excise) Act 1962, being goods vehicles to which these Regulations apply, and to trailers in the public service of the Crown while drawn by goods vehicles (whether or not in the public service of the Crown) which are required to be so registered, being trailers to which these Regulations apply, these Regulations shall apply subject to the modifications hereinafter contained in this Regulation.

(2) A first examination of a vehicle, a periodical test of a vehicle or a Part IV test of a vehicle may be made by or under the direction of an examiner (hereinafter referred to as an “authorised examiner”) authorised for the purpose by the Secretary of State instead of by or under the direction of a goods vehicle examiner, and in relation to any such examination made by an authorised examiner these Regulations shall apply as if—

(a) Regulations 6, 9, 10, 12, 13, 14, 20, 26, 31, 32, 33, 35, 40 and 48 were omitted;

(b) subject to the preceding sub-paragraph, any reference in the Regulations to a goods vehicle examiner were a reference to an authorised examiner and any reference in the Regulations to a vehicle testing station were a reference to premises approved by the Secretary of State as suitable for the carrying out of examinations under these Regulations by authorised examiners;

(c) in Regulation 15(a) and Regulation 23(d) the reference to the application therein mentioned were a reference to a form approved by the Secretary of State for the purpose of an application for an examination under these Regulations by an authorised examiner; and

(d) in Regulation 24(3)(a) and (b) and in Regulation 28(2) the reference to the identification mark were a reference to an identification mark allotted by the Secretary of State for the purpose of an examination under these Regulations by an authorised examiner.

(3) Any person aggrieved by a determination of an authorised examiner on a first examination of a vehicle, a periodical test of a vehicle or a Part IV test of a vehicle may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be re-examined by an officer appointed by him for the purpose and may make such determination on the basis of the re-examination as he thinks fit and, where appropriate, may issue a plating certificate, a goods vehicle test certificate or a notification of the refusal of a goods vehicle test certificate.

PART VII—EXEMPTIONS

Exemption from s. 14(1) of the 1967 Act of the use of vehicles for certain purposes

56.—(1) The use of a goods vehicle to which these Regulations apply for any of the purposes specified in the following provisions of this Regulation is exempted from section 14(1) of the 1967 Act.

(2) The use of a vehicle—

(a) for the purpose of submitting it by previous arrangement for, or bringing it away from, an examination under Part II of these Regulations or under section 9(3) or (4) of the 1967 Act; or

- (b) in the course of any such examination for the purpose of taking it to, or bringing it away from, any place where a part of the examination is to be or, as the case may be, has been carried out, or of carrying out any part of the examination, the person so using it being a goods vehicle examiner or a person carrying out the examination under his direction or a person driving the vehicle in pursuance of a requirement to do so under these Regulations; or
- (c) where a goods vehicle test certificate is refused on such an examination—
- (i) for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy the defects on the grounds of which the certificate was refused; or
 - (ii) for the purpose of delivering it, by towing it, to a place where the vehicle is to be broken up.
- (3) The use of a vehicle unladen when driven, or drawn by a vehicle driven, under a trade licence issued under section 12 of the Vehicles (Excise) Act 1962.
- (4) The use of a vehicle imported into Great Britain whilst it is being driven, or being drawn by another vehicle, after arrival in Great Britain on the journey from the place where it has arrived in Great Britain to a place where it is to be kept by the person importing the vehicle or by any other person on whose behalf the vehicle has been imported.
- In this paragraph the reference to a vehicle being imported into Great Britain refers, in the case of a vehicle which has been so imported more than once, to the first such importation, and in determining for the purposes of this paragraph when a vehicle was first so imported any such importation as is referred to in paragraph 24 of Schedule 2 shall be disregarded.
- (5) The use of a vehicle for or in connection with any purpose for which it is authorised to be used on roads by an order under section 64(4) of the 1960 Act, being an order authorising that vehicle or any class or description of vehicles comprising that vehicle to be so used notwithstanding that it does not comply with the prescribed construction and use requirements or with such of the said requirements as are specified in the said order.
- (6) The use of a vehicle for the purpose of removing it in pursuance of section 20 of the Civic Amenities Act 1967(a), of moving or removing it in pursuance of regulations under section 20 of the Road Traffic Regulation Act 1967(b) as altered by the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967(c), or of removing it from a parking place in pursuance of an order under section 31(1) of the Road Traffic Regulation Act 1967, an order relating to a parking place designated under section 35 thereof, or a provision of a designation order having effect by virtue of section 39(2) thereof.
- (7) The use of a vehicle, which has been detained or seized by a police constable, for police purposes connected with such detention or seizure.
- (8) The use by an Officer of Customs and Excise, or by any other person authorised generally or specially in that behalf in writing by the Commissioners of Customs and Excise, of any vehicle removed, detained, seized or condemned as forfeited under any provision of the Customs and Excise Act 1952(d).

(a) 1967 c. 69.

(b) 1967 c. 76.

(c) S.I. 1967/1900 (1967 III, p. 5191).

(d) 15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.

Exemption from s. 14(2) of the 1967 Act of the use of vehicles for certain purposes

57.—(1) The use of a goods vehicle to which these Regulations apply for any of the purposes specified in the following provisions of this Regulation is exempted from section 14(2) of the 1967 Act.

(2) The use of a vehicle—

(a) for the purpose of submitting it by previous arrangement for, or bringing it away from, an examination under Part II, III or IV of these Regulations or under section 9(3) or (4) of the 1967 Act; or

(b) in the course of any such examination for the purpose of taking it to, or bringing it away from, any place where a part of the examination is to be or, as the case may be, has been carried out, or of carrying out any part of the examination, the person so using it being a goods vehicle examiner or a person carrying out the examination under his direction or a person driving the vehicle in pursuance of a requirement to do so under these Regulations; or

(c) where a goods vehicle test certificate is refused on such an examination—

(i) for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy the defects on the grounds of which the certificate was refused; or

(ii) for the purpose of delivering it, by towing it, to a place where the vehicle is to be broken up.

(3) The use of a vehicle for any of the purposes specified in paragraphs (3) to (8) of the last preceding Regulation.

Exemption from s. 14(1) and (2) of the 1967 Act of the use of vehicles in certain areas

58.—(1) The use of a goods vehicle to which these Regulations apply in any area to which this Regulation applies is exempted from section 14(1) and (2) of the 1967 Act.

(2) This Regulation applies to any island and to any area mainly surrounded by water, being an island or area from which motor vehicles not constructed for special purposes can at no time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicles:

Provided that this Regulation does not apply to any of the following islands namely, the Isle of Wight, the islands of Lewis, Mainland (Orkney), Mainland (Shetland) and Skye or to any other island or area from which motor vehicles not constructed for special purposes can either at all times or at some times be conveniently driven to a road in any of the aforesaid islands by reason of the existence of a bridge, tunnel, ford or other way suitable for the passage of such motor vehicles.

Exemption from s. 14(5) of the 1967 Act

59. The following class of goods vehicles, namely, motor vehicles not constructed or adapted to form part of an articulated vehicle, is exempted from section 14(5) of the 1967 Act.

Certificates of temporary exemption

- 60.—(1) In this Regulation, except where the context otherwise requires—
“examination”, in relation to a vehicle, means a first examination, a re-test or a periodical test;
“the person in charge” means either the person in charge of a station or the person in charge of the Goods Vehicle Centre, Swansea;
“station” means a vehicle testing station or premises approved by the Secretary of State as suitable for the carrying out of examinations by authorised examiners within the meaning of Regulation 55(2).
- (2) In the following circumstances, namely—
(a) where the person in charge is satisfied that by reason of exceptional circumstances caused by severe weather, fire, epidemic, a failure in the supply of essential services or other unexpected happening affecting either a station or a vehicle (excluding a breakdown or mechanical defect in a vehicle) an examination of a vehicle to which these Regulations apply cannot be completed by a date fixed under these Regulations for the carrying out of the examination, and
(b) where the use of the vehicle on or after that date would be unlawful by virtue of the provisions of section 14(1) or (2) of the 1967 Act,
the person in charge may issue in respect of the vehicle a certificate of temporary exemption, exempting that vehicle from the said provisions.
- (3) Every certificate of temporary exemption issued in respect of a vehicle shall be on a form approved by the Secretary of State which shall contain the following particulars—
(a) in the case of a certificate issued for a motor vehicle, the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chassis or serial number marked on the vehicle or, if no such number is so marked, the identification mark which shall have been allotted to the vehicle by the Minister or the Secretary of State in the examination appointment card relating to the first examination of the vehicle;
(b) in the case of a certificate issued for a trailer, the identification mark which shall have been allotted to the trailer by the Minister or the Secretary of State in the examination appointment card (if any) relating to the first examination of the trailer or shall have otherwise been allotted to the trailer by the Minister or the Secretary of State under these Regulations;
(c) the date on which the certificate is issued;
(d) the period during which the vehicle is exempted from the provisions of section 14(1) or (2) of the 1967 Act so, however, that no such period shall exceed one month in duration;
and shall be signed by the person in charge or by a person duly authorised in that behalf.

Signed by authority of the Secretary of State the 3rd March 1971.

John Peyton,
Minister for Transport Industries
Department of the Environment.

SCHEDULE 1 (see Regulations 3(1) and 17(2))

PROVISIONS AS TO BRAKING FORCE FOR TRAILERS

1. In this Schedule—
the letter “W” represents—
 - (a) in the case of a trailer so designed that part of the weight of the trailer is imposed on the drawing vehicle, the axle weight, or, as the case may be, the sum of the axle weights which is or are to be determined for the trailer on an examination for plating ;
 - (b) in any other case the gross weight of the trailer which is to be so determined.
2. The minimum braking force capable of being developed by the brakes of a trailer manufactured before 1st January 1968 should in the case of—
 - (a) a trailer, not being a semi-trailer, be $.4W$;
 - (b) a semi-trailer for which a gross weight of 6 tons or more is to be determined for the vehicle on an examination for plating, be $.35W$;
 - (c) a semi-trailer for which a gross weight of less than 6 tons is to be so determined, be $.32W$.
3. The minimum braking force capable of being developed by the brakes of a trailer manufactured on or after 1st January 1968 should in the case of—
 - (a) a trailer, not being a semi-trailer, be $.5W$;
 - (b) a semi-trailer be $.4W$.

SCHEDULE 2 (see Regulation 4)

CLASSES OF VEHICLE TO WHICH REGULATIONS DO NOT APPLY

1. Dual-purpose vehicles not constructed or adapted to form part of an articulated vehicle.
2. Mobile cranes as defined in Schedule 3 to the 1962 Act.
3. Break-down vehicles.
4. Engineering plant.
5. Trailers being drying or mixing plant designed for the production of asphalt or of bituminous or tar macadam.
6. Tower wagons as defined in Schedule 4 to the 1962 Act.
7. Road construction vehicles as defined in section 6(8) of the 1962 Act and road rollers.
8. Vehicles designed for fire fighting or fire salvage purposes.
9. Works trucks, straddle carriers used solely as works trucks, and works trailers.
10. Electrically-propelled motor vehicles.
11. Motor vehicles used solely for clearing frost, ice or snow from roads by means of a snow plough or similar contrivance, whether forming part of the vehicle or not.
12. Vehicles constructed or adapted for, and used solely for, spreading material on roads to deal with frost, ice or snow.
13. Motor vehicles used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled.

14. Living vans.
15. Vehicles constructed or adapted for, and used primarily for the purpose of, carrying equipment permanently fixed to the vehicle which equipment is used for medical, dental, veterinary, health, educational, display or clerical purposes, such use not directly involving the sale, hire or loan of goods from the vehicle.
16. Trailers which have no other brakes than a parking brake and brakes which automatically come into operation on the over-run of the trailer.
17. Vehicles exempted from duty under the 1962 Act by virtue of section 6(6) of that Act and any trailer drawn by such a vehicle.
18. Land implements, land locomotives and land tractors.
19. Agricultural trailers drawn on roads only by a land tractor.
20. Vehicles to which paragraph 5 or paragraph 6 of Schedule 13 to the 1960 Act applies.
21. Vehicles used solely for the purposes of funerals.
22. Goods vehicles to which any of the prescribed construction and use requirements do not apply by virtue of either of the following provisions of the Construction and Use Regulations namely—
 - (a) Regulation 4(3) (which relates to vehicles proceeding to a port for export);
 - (b) Regulation 4(7) (which relates to vehicles in the service of a visiting force or of a headquarters).
23. Vehicles equipped with new or improved equipment or types of equipment and used, solely by a manufacturer of vehicles or their equipment or by an importer of vehicles, for or in connection with the test or trial of any such equipment.
24. Motor vehicles temporarily in Great Britain to which a registration mark is assigned under paragraph (1) of Regulation 2 of the Motor Vehicles (International Circulation) Regulations 1965(a), or under provisions applying in Northern Ireland and corresponding to the provisions of that paragraph or under Regulation 4(2) of the said Regulations, a period of twelve months not having elapsed since the mark was so assigned.
25. Motor vehicles for the time being licensed under the Vehicles (Excise) Act (Northern Ireland) 1954(b).
26. Vehicles having a base or centre in any of the following islands, namely, Arran, Bute, Great Cumbrae, Islay, Mull or North Uist from which the use of the vehicle on a journey is normally commenced.
27. Trailers temporarily in Great Britain, a period of twelve months not having elapsed since the vehicle in question was last brought into Great Britain.
28. Track laying vehicles.
29. Steam propelled vehicles.
30. Motor vehicles registered before 1st January 1940 used unladen and not drawing a laden trailer, and trailers manufactured before 1st January 1940 and used unladen.
31. Vehicles designed for use, and used solely by a local authority or highway authority or a person acting in pursuance of a contract with such an authority, for the purpose of street cleansing, the collection or disposal of refuse, the collection or disposal of the contents of gullies or cesspools or the testing of weighbridges.

(a) S.I. 1965/329 (1965 I, p. 1067).

(b) 1954 c. 17 (N.I.).

32. Vehicles designed and used for the purpose of servicing or controlling aircraft while so used—
- (a) on an aerodrome within the meaning of the Airports Authority Act 1965(a); or
 - (b) on roads outside such an aerodrome if, except when proceeding directly from one part of such an aerodrome to another part thereof, the vehicles are unladen and are not drawing a laden trailer.
33. Vehicles provided for police purposes and maintained in workshops approved by the Secretary of State as suitable for such maintenance, being vehicles provided in England and Wales by a police authority or the Receiver for the metropolitan police district, or, in Scotland, by a police authority or a joint police committee.
34. Heavy motor cars or motor cars constructed or adapted for the purpose of forming part of an articulated vehicle and which are used for drawing only a trailer falling within a class of vehicle specified in paragraph 14, 15 or 16 of this Schedule or a trailer being used for or in connection with any purpose for which it is authorised to be used on roads by an order under section 64(4) of the 1960 Act, being an order authorising that trailer or any class or description of trailers comprising that trailer to be used on roads.

INTERPRETATION

In this Schedule the following expressions have the meanings hereby respectively assigned to them:—

“the 1962 Act” means the Vehicles (Excise) Act 1962 ;

“agricultural trailer”, “dual-purpose vehicle”, “land implement”, “land locomotive”, “land tractor”, “straddle carrier”, “track laying” and “works trailer” have the same meanings respectively as in Regulation 3(1) of the Construction and Use Regulations ;

“break-down vehicle” means a motor vehicle on which there is mounted apparatus designed for raising a disabled vehicle wholly or partly from the ground or for drawing a disabled vehicle when so raised, and which is not used for the conveyance of goods other than a disabled vehicle wholly raised by that apparatus and which carries no other load other than articles required for the operation of, or in connection with, that apparatus or otherwise for dealing with disabled vehicles ;

“engineering plant” means movable plant or equipment being a motor vehicle or trailer (not constructed primarily to carry a load) especially designed and constructed for the special purposes of engineering operations ;

“works truck” means a motor vehicle designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works.

SCHEDULE 3 (see Regulation 5)

THE PRESCRIBED CONSTRUCTION AND USE REQUIREMENTS

PART I

The construction and use requirements which are prescribed for the purposes of a goods vehicle test in the case of a motor vehicle are the requirements specified in each of the following sections:—

(a) 1965 c. 16.

SECTION I

The requirements contained in the following provisions of the Construction and Use Regulations:—

1. Regulation 82 (relating to maintenance of silencer).
2. Regulation 84 (relating to the use of vehicles so as not to emit smoke).
3. Regulation 120 (relating to Ministry plate).
4. Regulation 76(1) in so far as that Regulation provides that a motor vehicle and all parts and accessories of such vehicle shall at all times be in such condition that no danger is caused or is likely to be caused to any person in or on the vehicle or on a road and in so far as that provision relates to the following parts and accessories of a motor vehicle provided thereon, namely:—
 - (a) spare wheel carrier
 - (b) means of attaching trailer
 - (c) the chassis
 - (d) the wiring of the electrical system
 - (e) engine mounting
 - (f) fuel tank and fuel pipes
 - (g) the propeller shaft and its associated couplings and bearings
 - (h) exhaust system
 - (i) battery.

SECTION II

The requirements contained in the following provisions of the Construction and Use Regulations:—

5. Regulation 80(1) (relating to steering gear).
6. Regulation 83 (relating to maintenance of tyres) and Regulation 51(2) (prohibition on fitting of recut pneumatic tyres).
7. Regulation 125 (relating to strength of tyres).
8. Regulation 76(1) in so far as that Regulation provides that a motor vehicle and all parts and accessories of such vehicle shall at all times be in such condition that no danger is caused or is likely to be caused to any person in or on the vehicle or on a road and in so far as that provision relates to the following parts and accessories of a motor vehicle provided thereon, namely:—
 - (a) wheels
 - (b) the suspension system
 - (c) axles
 - (d) shock absorbers.

SECTION III

The requirements contained in the following provisions of the Construction and Use Regulations:—

9. Regulation 13 (speedometer) in so far as that Regulation provides that a speedometer shall be fitted, correctly positioned and illuminated.
10. Regulation 16 (relating to view to the front).
11. Regulation 17 (relating to mirrors).

12. Regulation 19 (relating to windscreen wiper).
13. Regulation 21(1) and 21(3) (relating to audible warning instrument).
14. Regulation 78 (relating to maintenance of glass).
15. Regulation 80(2) (relating to maintenance of windscreen wiper).
16. Regulation 76(1) in so far as that Regulation provides that a motor vehicle and all parts and accessories of such vehicle shall at all times be in such condition that no danger is caused or is likely to be caused to any person in or on the vehicle or on a road and in so far as that provision relates to the following parts and accessories of a motor vehicle provided thereon, namely:—
 - (a) bumpers
 - (b) wings
 - (c) the cab
 - (d) the driving seat
 - (e) the body
 - (f) driving controls other than those of brakes and steering
 - (g) cab steps or step rings
 - (h) glass or other transparent material contained in any windscreen or in any window forming part of the cab.

SECTION IV

The requirements contained in the following provisions of the Construction and Use Regulations:—

17. Regulation 11 (relating to parking brakes).
18. Regulation 12 (relating to vacuum or pressure braking systems).
19. Regulation 45(5), (6) and (7) (relating to brakes).
20. Regulation 50(5), (6) and (7) (relating to brakes).
21. Regulation 79(1) (relating to maintenance of brakes).

SECTION V

The requirement contained in the following provision of the Construction and Use Regulations:—

22. Regulation 81A (relating to maintenance of direction indicators).

The requirements contained in the following provisions of the Road Transport Lighting Act 1957(a) and the Road Vehicles Lighting Regulations 1964(b), as amended (c):—

23. Section 1(1) and (2) of the said Act (relating to lights and reflectors).
24. Regulations 4, 5, 8, 9, 13 and 20 of the said Regulations.

The requirements imposed under section 15 of the Road Traffic Act 1962(d) and contained in the following provisions of the Road Vehicles (Headlamps) Regulations 1969(e):—

25. The Road Vehicles (Headlamps) Regulations 1969 other than Regulations 6(3) and 8(2).

(a) 5 & 6 Eliz. 2. c. 51.

(b) S.I. 1964/205 (1964 I, p. 345).

(c) The relevant amending instruments are S.I. 1965/870, 1966/30, 1967/1934 (1965 I, p. 2367; 1966 I, p. 45; 1967 III, p. 5387).

(d) 1962 c. 59.

(e) S.I. 1969/1647 (1969 III, p. 5190).

PART II

The construction and use requirements which are prescribed for the purposes of a goods vehicle test in the case of a trailer are the requirements specified in each of the following sections:—

SECTION I

The requirements contained in the following provisions of the Construction and Use Regulations:—

1. Regulation 120 (relating to Ministry plate).
2. Regulation 76(1) in so far as that Regulation provides that a trailer and all parts and accessories of such trailer shall at all times be in such condition that no danger is caused or is likely to be caused to any person in or on the trailer or on a road and in so far as that provision relates to the following parts and accessories of a trailer provided thereon, namely:—
 - (a) spare wheel carrier
 - (b) means of attachment to another vehicle
 - (c) the chassis
 - (d) the wiring of the electrical system.

SECTION II

The requirements contained in the following provisions of the Construction and Use Regulations:—

3. Regulation 83 (relating to maintenance of tyres) and Regulation 64(2) (prohibition on fitting of recut pneumatic tyres).
4. Regulation 125 (relating to strength of tyres).
5. Regulation 76(1) in so far as that Regulation provides that a trailer and all parts and accessories of such trailer shall at all times be in such condition that no danger is caused or is likely to be caused to any person in or on the trailer or on a road and in so far as that provision relates to the following parts and accessories of a trailer provided thereon, namely:—
 - (a) wheels
 - (b) the suspension system
 - (c) axles and steering gear
 - (d) shock absorbers.

SECTION III

The requirement contained in the following provision of the Construction and Use Regulations:—

6. Regulation 76(1) in so far as that Regulation provides that a trailer and all parts and accessories of such trailer shall at all times be in such condition that no danger is caused or is likely to be caused to any person in or on the trailer or on a road and in so far as that provision relates to the following parts and accessories of a trailer provided thereon, namely:—
 - (a) bumpers
 - (b) wings
 - (c) the body.

SECTION IV

The requirements contained in the following provisions of the Construction and Use Regulations:—

7. Regulation 62(1) and (2)(a) and (c) (relating to brakes).
8. Regulation 79(1)(a) (relating to maintenance of brakes).

SECTION V

The requirement contained in the following provision of the Construction and Use Regulations:—

9. Regulation 81A (relating to maintenance of direction indicators).

The requirements contained in the following provisions of the Road Transport Lighting Act 1957 and the Road Vehicles Lighting Regulations 1964, as amended:—

10. Section 1(1)(b) and (2) of the said Act (relating to lights and reflectors).
11. Regulations 13 and 20 of the said Regulations.

SCHEDULE 4 (see Regulations 12, 21, 31 and 36)

FEES PAYABLE ON EXAMINATIONS

PART I

Fees payable on first examinations

1.	2.
<i>Class of vehicle</i>	<i>Amount of fee</i>
1. Motor vehicle with 2 axles	£5
2. Motor vehicle with 3 axles	£6
3. Motor vehicle with 4 or more axles	£7
4. Trailer with 1 axle	£3
5. Trailer with 2 or more axles	£4

PART II

Fees payable on Part II re-tests

1. Subject to Regulation 21(1), the fee for a Part II re-test of a vehicle carried out under Regulation 20(2) or (4) shall be £2, together with an additional amount of £1 for each section (in excess of one) in which falls a prescribed construction and use requirement with which the vehicle was found not to comply when last undergoing either a first examination or a Part II re-test, so, however, that no such fee shall exceed the fee which would be payable for that vehicle were that vehicle submitted for a Part II re-test to be carried out under Regulation 20(3).
2. The fee for a Part II re-test of a vehicle carried out under Regulation 20(3) shall be of the same amount as was payable in respect of a first examination of that vehicle.

PART III

Fees payable on periodical tests

1.	2.
<i>Class of vehicle</i>	<i>Amount of fee</i>
1. Motor vehicle with 2 axles	£5
2. Motor vehicle with 3 axles	£6
3. Motor vehicle with 4 or more axles	£7
4. Trailer with 1 axle	£3
5. Trailer with 2 or more axles	£4

PART IV

Fees payable on Part III re-tests

1. Subject to Regulation 36(1), the fee for a Part III re-test of a vehicle carried out under Regulation 35(2) or (4) shall be £2, together with an additional amount of £1 for each section (in excess of one) in which falls a prescribed construction and use requirement with which the vehicle was found not to comply when last undergoing either a periodical test or a Part III re-test, so, however, that no such fee shall exceed the fee which would be payable for that vehicle were that vehicle submitted for a Part III re-test to be carried out under Regulation 35(3).
2. The fee for a Part III re-test of a vehicle carried out under Regulation 35(3) shall be of the same amount as was payable in respect of a periodical test of that vehicle.

SCHEDULE 5

REGULATIONS REVOKED BY REGULATION 2

Title	Year and Number
The Goods Vehicles (Plating and Testing) Regulations 1968	S.I. 1968/601(1968 I, p.1372).
The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1968	S.I. 1968/1169(1968 II, p. 3154).
The Goods Vehicles (Plating and Testing) (Amendment) (No. 2) Regulations 1968	S.I. 1968/1854 (1968 III, p. 4880).
The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1969	S.I. 1969/322 (1969 I, p. 928).
The Goods Vehicles (Plating and Testing) (Amendment) (No. 2) Regulations 1969	S.I. 1969/1324 (1969 III, p. 3941).
The Goods Vehicles (Plating and Testing) (Amendment) (No. 3) Regulations 1969	S.I. 1969/1762 (1969 III, p. 5553).
The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1970	S.I. 1970/1351 (1970 III, p. 4548).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with amendment, the Goods Vehicles (Plating and Testing) Regulations 1968 and the amending Regulations set out in Schedule 5 to these Regulations. Accordingly, the Regulations make provision for the examination at vehicle testing stations provided by the Secretary of State for the Environment of goods vehicles of prescribed classes for the purpose of determining particulars (including particulars as to maximum weights) applicable to those vehicles and for the purpose of ascertaining whether the vehicles comply with prescribed construction and use requirements.

The following are the principal changes:—

1. Regulation 2(2) provides that the Regulations of 1968, as amended, shall continue to apply for the purpose of defining the dates by which the vehicles mentioned in Regulation 2(3) are required to be submitted for a first examination or a periodical test before the 1st April 1971. Regulation 11 as respects first examinations and Regulations 28, 29 and 30 as respects periodical tests provide for the dates on and after 1st April 1971 by which goods vehicles to which the Regulations apply are required to be submitted for those examinations and periodical tests;
2. Regulation 39(3) provides that, where a vehicle is submitted for a periodical test more than 10 months but less than 1 year after the last date by which it was required by the Regulations to have been submitted for such a test, a goods vehicle test certificate issued as a result of that test shall be valid from the date of its issue until the expiration of two years from the last date by which the vehicle was so required to have been tested;
3. Regulation 50(2) provides that, if an applicant for an examination under the Regulations has given the Secretary of State the required notice that a vehicle could not be submitted at the time fixed for carrying out that examination and within 28 days of giving such notice he also gives notice that no other examination is required for a vehicle, any fee already paid for the examination shall be refunded less a sum of 75 new pence.

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