

1973 No. 1105

ROAD TRAFFIC

**The Goods Vehicles (Plating and Testing) (Amendment)
Regulations 1973**

<i>Made</i>	- - -	21st June 1973
<i>Laid before Parliament</i>		2nd July 1973
<i>Coming into Operation</i>		23rd July 1973

The Secretary of State for the Environment, in exercise of his powers under section 45(1) and (6) of the Road Traffic Act 1972(a) and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of that Act, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on 23rd July 1973 and may be cited as the Goods Vehicles (Plating and Testing) (Amendment) Regulations 1973.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Goods Vehicles (Plating and Testing) Regulations 1971(c), as amended(d), shall be further amended in accordance with the provisions of these Regulations.

3. Regulation 3 (interpretation) shall have effect as though—

(a) in paragraph (1) the following definition were inserted after the definition of “articulated vehicle”, ““auxiliary station” means a vehicle testing station which is regularly not open for the carrying out of re-tests on certain normal working days” and in the definition of “the standard lists” in paragraph (b) for the words “and the 10th August 1970” there were substituted the words “the 10th August 1970, the 15th July 1971, the 13th August 1971 and the 1st August 1972,”;

(b) in paragraph (3) for the words “3 feet 4 inches” there were substituted the words “1.02 metres”.

4. Regulation 4 (application of regulations) shall have effect as though—

(a) in paragraph (1)(c) for the words “30 hundredweight” there were substituted the words “1525 kilogrammes”;

(b) in paragraph (1)(e) for the words “1 ton” there were substituted the words “1020 kilogrammes”.

(a) 1972 c. 20.

(b) 1889 c. 63.

(c) S.I. 1971/352 (1971 I, p. 1098).

(d) The relevant amending instruments are S.I. 1971/2074, 1972/195, 806 (1971 III, p. 6149; 1972 I, p. 679; II, p. 2598).

5. Regulation 16 (examinations for plating) shall have effect as though—
- (a) in paragraph (a) for the words from “then such equivalent weight” to the end of that paragraph there were substituted the words “then all or any of such equivalent weights shall for the purpose of the determination of a plated weight under this Regulation be reduced to such extent as will ensure compliance with any such Regulation;”;
 - (b) in the proviso to paragraph (b) the references to 32 tons were references to 32520 kilogrammes and the references to 24 tons were references to 24390 kilogrammes.

6. In Regulation 17 (determination of plated weights) for the words “32 tons or, in any other case 24 tons” there shall be substituted the words “32520 kilogrammes or, in any other case 24390 kilogrammes”.

7. Regulation 20 (application for Part II re-tests) shall have effect as though for paragraphs (2), (3) and (4) there were substituted the following paragraphs:—

- “(2) Where it is desired to submit a vehicle for a Part II re-test, within a period of 14 days after the date it was submitted for its first examination, at the vehicle testing station at which it was submitted for its first examination or, where that station was an auxiliary station, at that or a different testing station, the applicant for the re-test shall first make arrangements with the person in charge of:—
 - (a) the station at which the vehicle was submitted for its first examination, or
 - (b) where that station was an auxiliary station, that or another vehicle testing station,for a date and a 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 mentioned in the last preceding or next following paragraph) 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, within a period of 14 days after the date it was submitted for a re-test under the last preceding paragraph, at the vehicle testing station at which it was submitted for its last re-test or, where that station was an auxiliary station, at that or a different testing station, the applicant for the re-test shall make arrangements with the person in charge of:—
 - (a) the station at which the vehicle was submitted for its last re-test,
 - or

(b) where that station was an auxiliary station, that or another vehicle testing station,

for a date and a time at which the vehicle is to be submitted for the re-test.”.

8. Regulation 21 (fees for Part II re-tests) shall have effect as though in the definition of “relevant time” after the words “vehicle testing station” there were inserted the words “at which arrangements have been made for the re-test to be carried out”.

9. Regulation 35 (application for Part III re-tests) shall have effect as though for paragraphs (2), (3) and (4) there were substituted the following paragraphs:—

“(2) Where it is desired to submit a vehicle for a Part III re-test, within a period of 14 days after the date it was submitted for its last periodical test, at the vehicle testing station at which it was submitted for its last periodical test or, where that station was an auxiliary station, at that or a different testing station, the applicant for the re-test shall first make arrangements with the person in charge of:—

(a) the station at which the vehicle was submitted for its last periodical test, or

(b) where that station was an auxiliary station, that or another vehicle testing station,

for a date and a 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 mentioned in the last preceding or next following paragraph) 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 III re-test within a period of 14 days after the date it was submitted for a re-test under the last preceding paragraph, at the vehicle testing station at which it was submitted for its last re-test or, where that station was an auxiliary station, at that or a different testing station, the applicant for the re-test shall make arrangements with the person in charge of:—

(a) the station at which the vehicle was submitted for its last re-test, or

(b) where that station was an auxiliary station, that or another vehicle testing station,

for a date and a time at which the vehicle is to be submitted for the re-test.”.

10. Regulation 36 (fees for Part III re-tests) shall have effect as though in

the definition of "relevant time" in paragraph (1) after the words "vehicle testing station" there were inserted the words "at which arrangements have been made for the re-test to be carried out".

11. Regulation 50 (general provision as to fees) shall have effect as though in paragraph (2) for sub-paragraph (i) there were substituted the following sub-paragraph—

"(i) the said applicant may make an application in writing 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, for another examination of the same kind for that vehicle or another vehicle to be carried out within three months of the date of the application and in that event the said fee shall be treated as having been paid in respect of that application or examination, unless the fee in respect of that application or examination is greater, in which case the fee already paid shall be treated as having been paid towards the fee payable in respect of that application or examination; or".

12. Paragraph 2 of Schedule 1 (provisions as to braking force for trailers) shall have effect as though each reference to 6 tons were a reference to 6100 kilogrammes.

13. In Schedule 2 (classes of vehicle to which Regulations do not apply) for paragraph 30 there shall be substituted the following paragraph—

"30. Motor vehicles first used before 1st January 1940, used unladen and not drawing a laden trailer, and trailers manufactured before 1st January 1940 and used unladen.

For the purposes of this paragraph any determination as to when a motor vehicle is first used shall be made as provided in Regulation 3(2) of the Motor Vehicles (Construction and Use) Regulations 1973."

Signed by authority of the Secretary of State.
21st June 1973.

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Goods Vehicles (Plating and Testing) Regulations 1971. The principal changes are to metricate references to lengths and weights and—

(a) the definition of "standard lists" contained in Regulation 3(1) of the 1971 Regulations is extended by the inclusion in that definition of lists published on the 15th July 1971, 13th August 1971 and 1st August 1972 (Regulation 3),

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- (b) provision is made enabling free re-tests of a vehicle to be carried out in certain circumstances at a different vehicle testing station from the one at which an earlier examination of the vehicle was carried out (Regulations 7 to 10),
 - (c) the circumstances in which a fee paid for an examination which is not carried out may be applied to the fee for a subsequent examination are further restricted to a case where the application for the subsequent examination is made for an examination to be carried out within 3 months of the date of the application (Regulation 11),
 - (d) there are exempted from the plating and testing scheme certain motor vehicles first used, as opposed to registered, before 1st January 1940 (Regulation 13).

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