

---

 STATUTORY INSTRUMENTS
 

---

1980 No. 766

## ROAD TRAFFIC

**The Motorcycles (Sound Level Measurement Certificates) (Fees)  
Regulations 1980**

<i>Made</i>	- - -	<i>2nd June 1980</i>
<i>Laid before Parliament</i>		<i>12th June 1980</i>
<i>Coming into Operation</i>		<i>3rd July 1980</i>

## ARRANGEMENT OF REGULATIONS

	Regulation
Citation and commencement	1
Interpretation	2
Basic fee for tests	3
Fees—Consecutive tests	4
Fees—Partial tests	5
Payment of fees	6
Fees on withdrawals and cancellations	7
Submission of alternative motorcycle for test	8
Fees for the issue of modified and duplicate certificates	9
Application of fees	10

The Minister of Transport with the consent of the Treasury, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973<sup>(a)</sup> and of all other enabling powers, hereby makes the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Motorcycles (Sound Level Measurement Certificates) (Fees) Regulations 1980, and shall come into operation on 3rd July 1980.

*Interpretation*

2.—(1) In these Regulations, except where the context otherwise requires:—

“Government or approved premises” means premises established or approved by the Minister for the testing of vehicles and vehicle parts for the purpose of the Council Directive;

“motorcycle”, “sound level measurement certificate”, and “the Council Directive” have the same meanings as are respectively assigned to those

---

(a) 1973 c. 51.

expressions in the Motorcycles (Sound Level Measurement Certificates) Regulations 1980(a);

“the Minister” means the Minister of Transport; and

“test” includes a series of tests of a motorcycle required to be carried out for the purpose of the Council Directive.

(2) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered Regulation is a reference to the Regulation of these Regulations bearing that number;
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the Regulation in which that number appears.

*Basic fee for tests*

3. Subject to the provisions of these Regulations, the fee to be paid for the carrying out, or supervision, by or on behalf of the Minister of a test of a motorcycle in connection with the issue of a sound level measurement certificate for the purpose of the Council Directive shall be—

- (a) £370 where the test is to be carried out on Government or approved premises by an officer of the Department of Transport or a person appointed by the Minister to act on his behalf, or
- (b) £410 where the test is to be carried out at other premises under the supervision of an officer of the Department of Transport or a person appointed by the Minister to act on his behalf.

*Fees—Consecutive tests*

4. Where more than one motorcycle of the same type but embodying minor variations are submitted by one applicant with a view to carrying out the tests consecutively on each vehicle and the case is one where all the tests can be carried out without setting up the testing apparatus again, the fee to be paid for the carrying out of each test after the first one shall be such proportion of the sum of £370 or, as the case may be, £410 as is appropriate in view of the work involved in carrying out such test.

*Fees—Partial tests*

5. Where, in the case of any such test as is mentioned in Regulation 3 or 4 it has been found impossible to complete that test satisfactorily, and in consequence a further, but partial, test of the motorcycle is required, the fee to be paid for such further test shall be such proportion of the fee prescribed in Regulation 3 as is appropriate in view of the nature and extent of the further, but partial, test.

*Payment of fees*

6. The fees prescribed under Regulations 3 and (where applicable) 4 or 5 shall be paid when the application for the test is made.

*Fees on withdrawals and cancellations*

7.—(1) Subject to Regulation 8, if the applicant for the issue of a sound level measurement certificate for a motorcycle—

- (a) after he has been notified of the time and place for the test, withdraws his application, or
- (b) does not submit the vehicle for the test at the time and place fixed therefor,

he shall be liable to pay a cancellation fee to cover the abortive work involved in dealing with the application and making arrangements for the test—

- (i) of £50 if the Minister is notified of the withdrawal or of the intention not to submit the vehicle for the test not less than 7 days before the date fixed for the test, or
- (ii) of £100 in any other case.

(2) Any cancellation fee for which an applicant is liable in accordance with the provisions of paragraph (1) shall be provided—

- (a) in a case where the applicant has paid the fee prescribed by these Regulations for the test in question, by the Minister retaining the said cancellation fee from the fee which has been paid, or
- (b) in any other case by the applicant paying the said cancellation fee to the Minister within 14 days of the issue by the Minister of a request for such payment.

(3) If an appointment for the test of a vehicle is cancelled at the instance of the Minister after the appropriate fee has been paid, and no alternative appointment acceptable to the applicant is offered to him, the whole of the fee paid by the applicant shall be refunded to him.

(4) Where a refund has been made under paragraph (3) to an applicant who has not withdrawn his application, he shall pay the appropriate fee prescribed by these Regulations when he is notified of a new appointment for the test of the vehicle in question.

*Submission of alternative motorcycle for test*

8. Where an applicant for the issue of a sound level measurement certificate for a motorcycle does not wish, or is unable, to submit that vehicle for test at the time and place appointed, but is able to submit for test at that time and place some other vehicle which can conveniently be fitted into the programme of tests being carried out at that place and in respect of which he has made an application for such certificate, he shall be entitled, subject to any adjustment by way of refund or additional payment so as to secure that the appropriate fee is paid for the test which actually takes place, to have the sum which he originally paid applied in payment of the fee for that test without being subject to a cancellation fee under Regulation 7(1), but in that event he shall pay the appropriate fee prescribed by these Regulations when applying for a new appointment for the test which he originally sought.

*Fees for the issue of modified and duplicate certificates*

9.—(1) The fee for the issue of a modified sound level measurement certificate under Regulation 6(c) of the Motorcycles (Sound Level Measurement Certificates) Regulations 1980 shall be £50.

(2) The fee for the issue of a duplicate sound level measurement certificate under Regulation 11 of the Motorcycles (Sound Level Measurement Certificates) Regulations 1980 shall be £10.

*Application of fees*

10. All fees received under these Regulations shall be paid into the Consolidated Fund.

19th May 1980.

*Norman Fowler*  
Minister of Transport.

We consent to the making of these Regulations

2nd June 1980.

*David Waddington*  
*Peter Morrison*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

---

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

1. The Motorcycles (Sound Level Measurement Certificates) Regulations 1980 make provision, as required under Council Directive 78/1015/EEC of 23rd November 1978 (on the approximation of the laws of the Member States on the permissible sound level and exhaust system of motorcycles), for the issue of sound level measurement certificates to signify whether or not certain types of motorcycles comply with the harmonized requirements specified in that Directive.
2. These Regulations prescribe fees payable for and in connection with tests of motorcycles in respect of which application has been made for the issue of a sound level measurement certificate.
3. The basic fee for tests is prescribed by Regulation 3. Regulations 4 and 5 provided for adjustment of that fee in certain circumstances. Regulation 6 provides that the fee shall be paid when the application for the test is made. Under Regulation 7 cancellation fees are prescribed against the event of an applicant withdrawing his application or not submitting the vehicle for the test, and includes provisions against the event of an appointment for the test being cancelled at the instance of the Minister. Regulation 8 contains provisions relating to the submission of an alternative motorcycle for the test. The fees for the issue of modified or duplicate sound level measurement certificates are prescribed by Regulation 9. Regulation 10 provides that all fees received under these Regulations shall be paid into the Consolidated Fund.