
STATUTORY INSTRUMENTS

1993 No. 2048

ROAD TRAFFIC

The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1993

<i>Made</i>	- - - -	<i>16th August 1993</i>
<i>Laid before Parliament</i>		<i>17th August 1993</i>
<i>Coming into force</i>	- -	<i>1st October 1993</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 49 and 51(1) of the Road Traffic Act 1988(1) and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Plating and Testing) (Amendment) Regulations 1993 and shall come into force on 1st October 1993.

Preliminary

2. The Goods Vehicles (Plating and Testing) Regulations 1988(2) shall be further amended in accordance with the provisions of these Regulations.

Amendments to regulation 3 (interpretation)

3.—(1) Regulation 3 shall be amended as follows.

(2) In paragraph (1)—

- (a) the definition of “area engineer” shall be omitted;
- (b) for the definition of “the prescribed construction and use requirements” there shall be substituted the following definition—

““the prescribed construction and use requirements”, in relation to a vehicle, means those of the requirements specified in Part I of Schedule 3 which apply to the vehicle and the requirements of Part II of that Schedule;”.

(1) 1988 c. 52. Sections 49, 50 and 51 were amended by the Road Traffic Act 1991 (c. 41), Schedule 4, paras 54 and 55 and Schedule 8. Section 66A was inserted by section 9 of that Act.
(2) S.I.1988/1478; relevant amending instruments are 1989/1963, 1991/252 and 1992/564.

(3) After paragraph (4), there shall be inserted the following paragraph—

“(4A) Without prejudice to section 17 of the Interpretation Act 1978(3) and subject to the context, a reference in these Regulations to any enactment comprised in subordinate legislation (within the meaning of that Act) is a reference to that enactment as from time to time amended or as from time to time re-enacted with or without modification.”

Amendments to regulation 8 (conditions of acceptance of vehicle)

4.—(1) Regulation 8 shall be amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (a), the word “goods” shall be omitted; and
- (b) sub-paragraph (b) shall be omitted.

(3) In regulation 8(2), the word “or” immediately following sub-paragraph (n) shall be omitted, and after sub-paragraph (o) there shall be added the following words—

“or

- (p) the vehicle or any motor vehicle by which it is accompanied emits substantial quantities of avoidable smoke.”.

Substitution of regulation 15 (application for re-tests)

5. For regulation 15 there shall be substituted the following regulation—

“15.—(1) Where, under regulation 23(1) or 26, a notification of the refusal of a goods vehicle test certificate in respect of a vehicle is issued the vehicle may be submitted, if need be on more than one occasion, at a vehicle testing station for a re-test.

(2) Where an applicant desires to submit a vehicle for a re-test he shall make arrangements with the Secretary of State as to the vehicle testing station at which the vehicle is to be submitted for a re-test and as to the date and time at which the vehicle is to be submitted to that vehicle testing station.”.

Substitution of regulation 16 (fees for re-tests)

6. For regulation 16 there shall be substituted the following regulation—

“16.—(1) Subject to paragraphs (4) and (6), where the applicant for a re-test requests that a re-test under regulation 15 be carried out within 14 days after the vehicle was submitted for its first examination or periodic test (as the case may be) the fee for the re-test shall be £17.60 in the case of a motor vehicle and £9.70 in the case of a trailer.

(2) Subject to paragraphs (3) and (5), in a case where paragraph (1) does not apply, the fee for a re-test under regulation 15 shall be £34.70 in the case of a motor vehicle or £17.90 in the case of a trailer.

(3) Paragraph (2) does not apply to a further re-test in a case where—

- (a) a previous re-test has been carried out on the vehicle in circumstances in which a fee was payable under that paragraph, and
- (b) the applicant for the further re-test requests that the further re-test be carried out within 14 days after the vehicle was submitted for the previous re-test;

and, subject to paragraphs (4) and (6), in such a case the fee for the further re-test shall be £17.60 in case of a motor vehicle and £9.70 in case of a trailer.

(4) Where the date arranged for a re-test is, at the applicant's request, a Saturday the fee payable under paragraph (1) or (3) in respect of the re-test shall be increased by £9.80 in the case of a motor vehicle and £6.10 in the case of a trailer.

(5) Where the date arranged for a re-test is, at the applicant's request, a Saturday the fee payable under paragraph (2) in respect of the re-test shall be increased by £19.50 in the case of a motor vehicle and £12.30 in the case of a trailer.

(6) Any fee which would otherwise be payable by virtue of paragraph (1), (3) or (4) shall not be payable if—

- (a) the vehicle is submitted for a re-test on the same day as the day on which the first examination or periodical test (as the case may be), was carried out, on the first day thereafter on which the relevant vehicle testing station is open.
- (b) the fee for the first examination, periodical test or last preceding re-test, as the case may be, has been paid; and
- (c) the re-test is due only to one or more defects in the vehicle as a result of which any of the following prescribed construction and use requirements are not complied with, namely those contained in—
 - (i) the following items in paragraphs 1 and 2 in Part I of Schedule 3, namely items 4, 5, 7, 8, 9, 11, 12, 14 (in so far as it relates to the emission of an oily substance) and 16;
 - (ii) items 17, 18 and 19 in paragraph 2 in Part I of Schedule 3 (except in so far as those items relate to rear markings);
 - (iii) paragraph 3 in Part I of Schedule 3;

and the requirements of Part II of Schedule 3 so far as those requirements relate to the condition of the spare wheel carrier, fuel tanks and system, bumpers and the cab.

(7) The fees payable under this regulation shall be paid on submission of the vehicle for the re-test.

(8) In paragraph (6), "the relevant vehicle testing station", in relation to a re-test, means the testing station at which the re-test is to be carried out pursuant to arrangements made under regulation 15."

Amendments to regulation 25 (appeals relating to a first examination)

7.—(1) Regulation 25 shall be amended as follows.

(2) In paragraph (1) the words from "to the area engineer" to "regulation may appeal", shall be omitted.

(3) In paragraph (2), the words from the beginning to "the determination, and" shall be omitted.

(4) In paragraph (4), The words from the beginning to "£15 and" shall be omitted.

(5) In paragraphs (5), (6) and (7) the words "the area engineer or, as the case may be," wherever they appear shall be omitted.

(6) In paragraph (8)—

- (a) in the words preceding sub-paragraph (a), the words "the area engineer or" shall be omitted;
- (b) in sub-paragraph (a)(i), the words " , or on a re-examination by an area engineer, and" shall be omitted; and

- (c) in sub-paragraph (a)(ii), the words “or on a re-examination by an area engineer,” shall be omitted.
- (7) In paragraph (9), the words “The area engineer or, as the case may be,” shall be omitted.
- (8) In paragraph (10)—
 - (a) the words “the area engineer or, as the case may be,” shall be omitted;
 - (b) in sub-paragraph (b) the words “, or by an area engineer in connection with a notice of refusal of a goods vehicle test certificate,” shall be omitted.
- (9) In paragraph (11)—
 - (a) the words “the area engineer or, as the case may be,” shall be omitted; and
 - (b) in sub-paragraph (a), the words “the area engineer or by” shall be omitted.

Amendments to regulation 27 (re-test procedure)

- 8.—(1) Regulation 27 shall be amended as follows.
 - (2) In paragraph (1), for the words “under regulation 15(2) or (3)” there shall be substituted the words “in circumstances where the fee for the retest is payable under paragraph (1) or (3) of regulation 16 or would have been so payable but for paragraph (6) of that regulation”.
 - (3) In paragraph (4), for the words “under regulation 15(4)” there shall be substituted the words “in circumstances where a fee for the retest is payable under regulation 16(2)”.

Amendments to regulation 29 (appeals relating to periodic examinations and examinations)

- 9. In regulation 29(1), the words from “the area engineer for the traffic area” to “regulation may appeal to” shall be omitted.

Amendments to regulation 37 (appeals relating to examinations following a notifiable alteration)

- 10.—(1) Regulation 37 shall be amended as follows.
 - (2) In paragraph (1), the words “to the area engineer for the traffic area” to “regulation may appeal to” shall be omitted.
 - (3) In paragraph (3), the words “the area engineer or, as the case may be,” shall be omitted.
 - (4) In paragraph (4)—
 - (a) in sub-paragraph (a), words from “by the area engineer” to “as the case may be,” shall be omitted;
 - (b) in sub-paragraph (b)(i), the words from “the area engineer” to “as the case may be, by” shall be omitted.

Amendments to regulation 41 (replacements of plates and certificates)

- 11. In regulation 41(1), for the words “Goods Vehicle Centre” there shall be substituted the words “Secretary of State”.

Substitution of new Schedule 3

- 12. For Schedule 3 there shall be substituted the Schedule set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State

16th August 1993

Robert Key
Parliamentary Under Secretary of State
Department of Transport

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THE SCHEDULE

Regulation 12

“SCHEDULE 3

Regulations 3 and 16

THE PRESCRIBED CONSTRUCTION AND USE REQUIREMENTS

PART I

1. The requirements contained in the provisions of the Construction and Use Regulations(4) set out in column (2) of Table I below.

TABLE I

(1) <i>Item No.</i>	(2) <i>Regulation</i>	(3) <i>Subject Matter</i>
1	15 to 18	Braking systems
2	24 to 27	Tyres
3	29	Maintenance of steering gear
4	30	View to the front
5	33	Mirrors
6	34	Windscreen wipers and washers
7	35 and 36	Speedometer
8	36B	Speed limiters
9	37	Audible warning
10	46, 47 and 48	Seat Belt
11	49 and 50	Rear under-run protection
12	51 and 52	Side guards
13	54	Maintenance of silencer
14	61	Smoke emission, oil etc.
15	64 and 65	Spray suppression equipment
16	70A	Speed limiter plates

2. The requirements contained in the provisions of the Road Vehicles Lighting Regulations 1989(5) set out in column (2) of Table II below to the extent shown in column (4) of that Table (expressions used in that Table having the same meanings as they have in those Regulations).

(4) “Construction and Use Regulations” is defined in regulation 3(1) of the Goods Vehicles (Plating and Testing) Regulations 1988 as meaning the Road Vehicles (Construction and Use) Regulations 1986. Relevant amendments to the 1986 Regulations are [86/1597](#), [87/676](#) and [1133](#), [88/1178](#), and [1524](#), [89/1478](#) and [1695](#), [90/1131](#) and [1981](#), [1991/1526](#), [1527](#), [2003](#) and [2710](#), [92/352](#), [646](#), [2137](#), [2909](#) and [3088](#), and [93/1946](#).

(5) S.I. 1989/1796.

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TABLE II

(1) <i>Item No.</i>	(2) <i>Regulation</i>	(3) <i>Subject matter</i>	(4) <i>Extent</i>
17	18	Obligatory lamps, reflectors, rear markings and devices	Except in so far as the regulation relates to dim-dip devices, running lamps, front fog lamps, reversing lamps and warning beacons.
18	20	Optional lamps, reflectors, rear markings and devices	In so far as the regulation relates to— headlamps fitted to motor vehicles; direction indicators; rear fog lamps; stop lamps; and rear markings.
19	23	Maintenance of lamps, reflectors, rear markings and devices	Except in so far as the regulation relates to dim-dip devices, running lamps, front fog lamps, reversing lamps and warning beacons.

3. The requirements, in so far as they relate to the installation of recording equipment in Article 3 and the seals to be affixed to such equipment in Article 12 and paragraph 4 of Section V of Annex 1 of the Community Recording Equipment Regulation (as defined in section 85 of the 1988 Act).

PART II

4. The requirements of this Part of this Schedule, in relation to a vehicle, are that the condition of the vehicle is such that its use on a road would not involve a danger of injury to any person having regard in particular to items of the following descriptions—

- spare wheel carrier;
- trailer coupling on a motor vehicle;
- coupling on a trailer;
- the chassis;
- electrical wiring and equipment;
- landing legs;
- engine mountings;
- fuel tanks and system;
- transmission shafts and associated equipment;

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exhaust system;
battery;
wheels and hubs;
suspension system;
axles and steering gear;
shock absorbers;
bumpers;
wings;
the cab;
driving seat;
the body;
driver's controls;
cab step or step rings;
glass or other transparent material in windscreen or windows.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Goods Vehicles (Plating and Testing) Regulations 1988.

Regulation 8 of the 1988 Regulations specifies circumstances in which an examiner is under no obligation to accept a vehicle for examination or to proceed with an examination. The regulation is amended so that an examiner will not be under an obligation to accept a vehicle for examination if it or any motor vehicle accompanying it emits substantial quantities of avoidable smoke (regulation 4).

Regulations 15 and 16 of the 1988 Regulations make provision for the fee for a re-test to be less than the fee for a first examination or periodical test in some circumstances and free in some other circumstances. However, previously the concession was not generally available unless the vehicle was submitted to the testing station which had carried out the first examination or periodical test. This limitation has now been removed (regulations 5 and 6).

Schedule 3 to the 1988 Regulations is replaced (regulation 12 and the Schedule). Schedule 3 sets out the prescribed construction and use requirements. Some minor changes are made. Some of these changes are made in consequence of the Road Traffic Act 1991 and others are made in consequence of the re-enactment of subordinate legislation. There, however, are some changes of substance.

As a result of Schedule 3 to the 1988 Regulations being replaced, regulations 36, 36B and 70B of the Road Vehicles (Construction and Use) Regulations 1986 become prescribed statutory requirements. Regulation 36 specifies requirements relating to the maintenance of speedometers. Regulations 36B and 70B require certain goods vehicles to be fitted with speed limiters and to have a plate in the cab giving certain particulars relating to the limiter fitted to the vehicle.

Also as a result of Schedule 3 to the 1988 Regulations being replaced, the prescribed construction and use requirements now include provisions in the Road Vehicles (Lighting) Regulations 1989

relating to front retro-reflectors on trailers, hazard warning signal devices, front position lamps on trailers and rear registration plate lamps.

These Regulations also make amendments as a consequence of paragraph 55 of Schedule 4 to the Road Traffic Act 1991. That paragraph amended section 50 of the Road Traffic Act 1988. Section 50 originally contained provisions for certain appeals to be made to the area mechanical engineer with a further appeal to the Secretary of State. The right of appeal to the area mechanical engineer has been abolished and appeals now lie direct to the Secretary of State (regulations 7, 9 and 10).

These Regulations make other minor consequential amendments.