
STATUTORY INSTRUMENTS

1997 No. 1459

ROAD TRAFFIC

The Motor Vehicles (Approval) (Fees) Regulations 1997

<i>Made</i>	- - - -	<i>6th June 1997</i>
<i>Laid before Parliament</i>		<i>9th June 1997</i>
<i>Coming into force</i>	- -	<i>1st July 1997</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 61(1) and (2) of the Road Traffic Act 1988(1), and of powers conferred by the Department of Transport (Fees) Order 1988(2) and section 128 of the Finance Act 1990(3) and of all other powers enabling him in that behalf, and in relation to the exercise of the powers conferred by section 61(1) and (2) of the Road Traffic Act 1988, after consultation with representative organisations in accordance with the provisions of section 195(2) of that Act, hereby makes the following Regulations:—

Commencement and citation

1. These Regulations may be cited as the Motor Vehicles (Approval) (Fees) Regulations 1997 and shall come into force on 1st July 1997.

Interpretation

2.—(1) In these Regulations—

“appeal” means an appeal made in accordance with regulation 10 of the Approval Regulations;

“the Approval Regulations” means the Motor Vehicles (Approval) Regulations 1996(4);

“exceptional circumstances” means an accident, a fire, an epidemic, severe weather, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non delivery of spare parts for that vehicle);

“further application” means an application made in accordance with regulation 7(6) of the Approval Regulations;

“original application” means an application made in accordance with regulation 7(1) to (3) of the Approval Regulations, not being a further application;

(1) 1988 c. 52; section 61 was amended by Schedule 8 to the Road Traffic Act 1991 (c. 40).

(2) S.I.1988/643, which was made under section 102 of the Finance (No. 2) Act 1987 (c. 51). The relevant reference in S.I. 1988/643 is Table III of Schedule 1.

(3) 1990 c. 29.

(4) S.I. 1996/3013; amended by S.I. 1997/1366.

“out of hours” means at any time either—

- (a) on any day which is a Saturday, Sunday, Good Friday, Christmas Day or a Bank holiday (as defined in the Banking and Financial Dealings Act 1971⁽⁵⁾); or
- (b) on any other day, other than between—
 - (i) 8.00 am and 5.00 pm on a Monday to Thursday inclusive, or
 - (ii) 8.00 am and 4.30 pm on a Friday;

“relevant goods vehicle” means a goods vehicle to which Part III of the Approval Regulations applies; and

“relevant passenger vehicle” means a vehicle to which Part II of the Approval Regulations applies.

(2) Without prejudice to section 17 of the Interpretation Act 1978⁽⁶⁾ 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 re-enacted with or without modification.

Application

3. These Regulations apply to every motor vehicle to which either Part II or Part III of the Approval Regulations applies.

Fees—application for Minister’s approval certificate

4.—(1) Subject to paragraphs (2) and (3) below, the fee prescribed for the purposes of regulation 7(3)(b) of the Approval Regulations, in respect of an original application, is £165 in the case of a relevant passenger vehicle and £60 in the case of a relevant goods vehicle.

(2) Subject to paragraph (3) below, where the time appointed for the examination of a vehicle for the purposes of such an application is, at the applicant’s request, out of hours, the fee prescribed by paragraph (1) shall be increased by £75 in the case of a relevant passenger vehicle and £25 in the case of a relevant goods vehicle, such additional amount being payable before the examination is carried out.

(3) Where an original application is refused by virtue of regulation 11 of the Approval Regulations, the fee prescribed for the purposes of regulation 7(3)(b) shall be £50 in all cases and the balance of any sum previously paid in respect of that fee shall be repaid to the applicant.

5.—(1) Subject to paragraph (2), the fee prescribed for the purposes of regulation 7(7)(d) of the Approval Regulations, in respect of a further application, is £22 in the case of a relevant passenger vehicle and £10 in the case of a relevant goods vehicle.

(2) Where the time appointed for the examination of a vehicle for the purposes of such an application is, at the applicant’s request, out of hours, the fee prescribed by paragraph (1) shall be increased by £20 in the case of a relevant passenger vehicle and £6 in the case of a relevant goods vehicle, such additional amount being payable before the examination is carried out.

(3) Any fee which would otherwise be payable by virtue of regulation 7(7)(d) of the Approval Regulations, in respect of a further application, shall not be payable if, by agreement, the vehicle is submitted for examination at the place at which it was previously examined before the end of the fifth day following that examination on which the Secretary of State will accept vehicles for examination and—

(5) 1971 c. 80.

(6) 1978 c. 30.

- (a) the requirements of paragraph (4) are met in the case of a relevant passenger vehicle; or
 - (b) the requirements of paragraph (5) are met in the case of a relevant goods vehicle.
- (4) The requirements of this paragraph are that the further application must be due only to a failure to comply with—

- (a) the requirements of one or more of the following items of the Table in Schedule 2 to the Approval Regulations—
 - (i) item 6 in so far as those requirements are not those relating to angles of visibility or position;
 - (ii) item 8;
 - (iii) item 17 in so far as there are no more than three separate examples of a failure to comply with those requirements;
 - (iv) item 18 in so far as there are no more than three separate examples of a failure to comply with those requirements;
 - (v) item 20, 21 or 22; or
- (b) the requirements of one or more items of the Table in Schedule 2 to the Approval Regulations in respect of which sufficient documentary evidence is produced to the Secretary of State before the examination to satisfy him as to compliance with those requirements,

or both.

(5) The requirements of this paragraph are that the further application must be due only to a failure to comply with the requirements of—

- (a) item 6 of the Table in Schedule 3 to the Approval Regulations; or
- (b) one or more items of that Table in respect of which sufficient documentary evidence is produced to the Secretary of State before the examination to satisfy him as to compliance with the requirements of those items,

or both.

Fees—general provisions

6. If the applicant—

- (a) has before the time appointed for the examination of a vehicle for the purposes of either an original application or a further application given the Secretary of State 3 clear days notice (whether in writing or otherwise) at the place appointed for that examination that he does not propose to submit the vehicle for examination at that time; or
- (b) satisfies the Secretary of State that the vehicle cannot, or as the case may be, could not be submitted for examination at the time appointed because of exceptional circumstances occurring not more than 5 days before that time and of which the applicant gives notice to the Secretary of State (whether in writing or otherwise) within 3 days of the occurrence of those circumstances,

then, unless another time is arranged for the examination, the application shall be treated as one in respect of which no fee is payable and any sum previously paid in respect of that application shall be repaid to the applicant.

Fees—appeals

7.—(1) Subject to paragraphs (2) and (3) below, the fee prescribed for the purposes of regulation 10(2) of the Approval Regulations in respect of an appeal is £165 in the case of a relevant passenger vehicle and £60 in the case of a relevant goods vehicle.

(2) Subject to paragraph (3) below, where the time appointed for the re-examination of a vehicle for the purposes of such an appeal is, at the appellant's request, out of hours, the fee prescribed by paragraph (1) shall be increased by £75 in the case of a relevant passenger vehicle and £25 in the case of a relevant goods vehicle, such additional amount being payable before the re-examination is carried out.

(3) Where an appeal is refused by virtue of regulation 11 of the Approval Regulations, the fee prescribed for the purposes of regulation 10(2) of those regulations shall be £165 in the case of a relevant passenger vehicle and £60 in the case of a relevant goods vehicle and the balance, if any, of any sum previously paid in respect of that fee shall be repaid to the appellant.

Provisions as to fees on appeal

8.—(1) After the completion of a re-examination of a vehicle for the purposes of an appeal, the Secretary of State may, as he thinks fit, repay to the appellant either the whole or part of the fee paid on the appeal, where it appears to him that there were substantial grounds for contesting the whole or part of the determination against which the appeal was made.

(2) If the appellant—

- (a) has before the time appointed for such a re-examination given the Secretary of State two clear days notice (whether in writing or otherwise) at the office at which his appeal was lodged that he does not propose to submit the vehicle for re-examination at that time; or
- (b) satisfies the Secretary of State that the vehicle cannot, or as the case may be, could not be submitted for re-examination at the time appointed because of exceptional circumstances occurring not more than 5 days before that time and of which the appellant gives notice to the Secretary of State (whether in writing or otherwise) within 3 days of the occurrence of those circumstances,

then, unless another time is arranged for the re-examination, the appeal shall be treated as one in respect of which no fee is payable and any sum previously paid in respect of that appeal shall be repaid to the appellant.

Fees—replacement certificates

9. The fee prescribed for the purposes of regulation 12A(2)(b) of the Approval Regulations is £25.

Provisions as to notices

10.—(1) Any notice given under these Regulations may be given by post.

(2) For the purposes of calculating the period of any notice given under these Regulations a Saturday, Sunday, Good Friday, Christmas Day or a bank holiday (as defined in the Banking and Financial Dealings Act 1971) shall be excluded from the period.

Signed by authority of the Secretary of State for Transport

6th June 1997

Helene Hayman
Parliamentary Under Secretary of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Motor Vehicles (Approval) Regulations 1996 (“the Approval Regulations”) establish a statutory system for approving the construction of single vehicles before they enter into service.

These Regulations prescribe the fees payable in connection with applications and appeals made in accordance with the Approval Regulations. They also prescribe the fee payable for the replacement of a Minister’s approval certificate which has been lost or defaced and make provision for the repayment of fees in certain circumstances.