

2002 No. 488

ROAD TRAFFIC

The Motor Vehicles (Tests) (Amendment) Regulations 2002

<i>Made</i> - - - - -	<i>6th March 2002</i>
<i>Laid before Parliament</i>	<i>7th March 2002</i>
<i>Coming into force</i> - -	<i>1st April 2002</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred by sections 45 and 46 of the Road Traffic Act 1988(a) and by virtue of the Department of Transport (Fees) Order 1988(b), and in exercise 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 Motor Vehicles (Tests) (Amendment) Regulations 2002 and shall come into force on 1st April 2002.

Preliminary

2. The Motor Vehicles (Tests) Regulations 1981(c) shall be further amended as follows.

Amendments to regulation 20 (fees for examinations)

3.—(1) Regulation 20 shall be amended as follows.

(2) In paragraphs (1)(d)(i), (da)(i), (e)(i) and (ea)(i), for “16” there shall be substituted “22”.

(3) In the provisions specified in column (1) of the following Table for the amounts specified in column (2) there shall be substituted the amounts specified in column (3).

(a) 1988 c. 52; sections 45 and 46 were amended by paragraphs 52 and 53 of Schedule 4 to the Road Traffic Act 1991 (c. 40). Section 45 was also amended by paragraph 159 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

(b) S.I. 1988/643, which was made under section 102 of the Finance (No. 2) Act 1987 (c. 51). The relevant amending instrument is S.I. 1995/1684 and the relevant entry in Table III of Schedule 1 is item 1.

(c) S.I. 1981/1694; relevant amending instruments are 1984/1126, 1989/1694, 1991/1525 and 2229, 1992/1609 and 3160, 1995/2438, 1997/81, 1998/1672, 1999/2199, 2000/1432, 2000/2322, 2001/1648 and 2001/3330.

TABLE

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Existing Amount</i>	<i>(3)</i> <i>Substituted Amount</i>
20(1)(e)(i)	£50.50	£52
20(1)(e)(ii)	£36	£37
20(1)(ea)(i)	£84.50	£52
20(1)(ea)(ii)	£46.50	£37
20(2A)	£30	£31
	£21.50	£22
20(2B)	£7.50	£8

(4) In paragraph (4), for the words “some or all” there shall be substituted the words “one or more”.

(5) In paragraph (4), for the words prior to sub-paragraph (a) there shall be substituted the words—

“Where either—

- (i) on an examination of a vehicle in Class VI constructed or adapted to carry more than 22 passengers, it is found that one or more of the prescribed statutory requirements are not complied with, or when, in the circumstances mentioned in regulation 16, a full examination of the braking system or systems of the vehicle is not carried out; or
- (ii) on an examination of a vehicle in Class VIA constructed or adapted to carry more than 22 passengers, it is found that one or more of the prescribed statutory requirements, including those referred to in item 28A in paragraph 3A of Schedule 2, are not complied with,

then the fee payable in respect of a further examination—”.

(6) In the heading above the Table in paragraph (4), for “CLASS VI” there shall be substituted “CLASS VI OR VIA”.

(7) In column 1 of the Table in paragraph (4), for “Class VI” in both places where those words occur there shall be substituted “Class VI or VIA” and for “16” there shall be substituted “22”.

(8) In the Table in paragraph (4), for the amounts specified in column (1) of the Table below there shall be substituted the amounts specified in column (2).

TABLE

<i>(1)</i> <i>Existing Amount (£)</i>	<i>(2)</i> <i>Substituted Amount (£)</i>	<i>(1)(Cont)</i> <i>Existing Amount (£)</i>	<i>(2)(Cont)</i> <i>Substituted Amount (£)</i>	<i>(1)(Cont)</i> <i>Existing Amount (£)</i>	<i>(2)(Cont)</i> <i>Substituted Amount (£)</i>
24.50	25	58	60	36	37
40	41	88	91	57.50	59
29 (in column 4)	29.50	17.50	18	43.50	45
44.50	45.50	29 (in column 3)	30	65	67
50.50	52	22	22.50		
80.50	83	33.50	34.50		

(9) Paragraphs (4A) and (4B) shall be deleted.

(10) In paragraph (5), for “(1), (4), (4A) and (4B)” there shall be substituted “(1) and (4)”.

(11) In paragraph (7), for “paragraphs (4) and (4B) there shall be substituted “paragraph (4)”.

(12) In paragraph (7)(c)(xvi), “and” shall be deleted.

Amendments to paragraph 5 of Schedule 2 (the prescribed statutory requirements for vehicles in Class VI)

4. In the Table in paragraph 5(b) of Schedule 2, after item 37, there shall be inserted the following items—

<i>Item No</i>	<i>Regulations</i>	<i>Affecting</i>
“37A	100(1) (insofar as it relates to the question whether the particulars opposite are fitted or, as the case may be, maintained so that no danger is likely to be caused)	Wheelchair restraining devices
37B	100(1) (insofar as it relates to the question whether the particulars opposite are fitted or, as the case may be, maintained so that no danger is likely to be caused)	Features associated with wheelchairs, boarding devices (lifts, ramps), optical devices (to allow the driver to see the boarding area), signs and markings, communication devices, slip resistant surfaces, steps, floors and gangways, kneeling systems, lighting which is intended for wheelchair users to board or alight in safety”

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport,
Local Government and the Regions

6th March 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (Tests) Regulations 1981 (“the 1981 Regulations”). Those Regulations make provision for certain motor vehicles to be examined by persons authorised by the Secretary of State and for test certificates to be issued for vehicles that are found to meet certain requirements. These certificates are commonly referred to as MOT certificates.

Regulation 3 makes amendments to regulation 20 (fees for examinations) of the 1981 Regulations. In regulation 20(1)(d)(i), (da)(i), (e)(i) and (ea)(i) the number “22” is substituted for “16”. Under those provisions a higher fee is payable if a vehicle is constructed or adapted to carry more than a certain specified number of passengers. By increasing that number from 16 to 22 these regulations ensure that a higher test fee becomes payable in the cases where the Public Service Vehicles Accessibility Regulations 2000 (S.I. 2000/1970) apply.

Amendments are made to remove the higher fees for seat belt installation checks on Class VIA vehicles. Paragraph (4A) and references to that paragraph have been deleted and references to Class VIA vehicles are now included in paragraph (4).

In column 1 of the Table in regulation 20(4) the number “22” is substituted for “16” (the description relates to a vehicle constructed or adapted to carry more than 22 passengers).

The fees specified in regulation 3(3) and (8) were last amended on 28th May 2001. The increased fees are payable from 1st April 2002 (with the percentage increase shown in brackets). The fees are for testing Classes VI and VIA vehicles (public service vehicles other than those of a type specified in regulation 5(3) of the 1981 Regulations and those excluded by virtue of a certificate of initial fitness issued on or after 1st August 1998 or compliance with certain type approval requirements, in respect of which any forward facing seat is fitted with a relevant seat belt). The new fees are as follows.

<i>Nature of Examination</i>	<i>Normal</i>	<i>Out of Hours</i>	<i>Designated Premises</i>	<i>Out of Hours at Designated Premises</i>
	(£)	(£)	(£)	(£)
Examination under regulation 12 of the 1981 Regulations of a vehicle constructed or adapted to carry more than 22 passengers.	52 (3%)	83 (3.1%)	60 (3.4%)	91 (3.4%)
Examination under regulation 12 in any other case.	37 (2.8%)	59 (2.6%)	45 (3.4%)	67 (3.1%)
Re-examination of a vehicle constructed or adapted to carry more than 22 passengers, within 14 days of previous examination.	25 (2%)	41 (2.5%)	29.50 (1.7%)	45.50 (2.2%)
Re-examination of a vehicle constructed or adapted to carry more than 22 passengers, later than 14 days after previous examination.	52 (3%)	83 (3.1%)	60 (3.4%)	91 (3.4%)
Re-examination of any other vehicle within 14 days of previous examination	18 (2.9%)	30 (3.4%)	22.50 (2.3%)	34.50 (3%)

<i>Nature of Examination</i>	<i>Normal</i> (£)	<i>Out of Hours</i> (£)	<i>Designated Premises</i> (£)	<i>Out of Hours at Designated Premises</i> (£)
Re-examination of any other vehicle later than 14 days after previous examination.	37 (2.8%)	59 (2.6%)	45 (3.4%)	67 (3.1%)

In the case of the vehicles mentioned above, the fee payable on an appeal against the notice of refusal of a test certificate, is the same amount as the fee payable under regulation 20(1) of the 1981 Regulations. Those fees are increased accordingly.

A minor amendment is made to regulation 20(7)(c)(xvi) by the deletion of “and” between “speed limiter” and “plate”. This has the effect that a fee will now be payable for the re-test of a speed limiter on heavy goods vehicles.

Regulation 4 makes an amendment to paragraph 5 of Schedule 2 (prescribed statutory requirements for vehicles in Class VI) by the insertion of new items 37A and 37B after item 37. Item 37A relates to imposing requirements in regulation 100(1) of the Road Vehicles (Construction and Use) Regulations 1986 insofar as it relates to the question whether wheelchair restraining devices are fitted or, as the case may be, maintained so that no danger is likely to be caused. Item 37B relates to imposing equivalent requirements in regulation 100(1) of the Construction and Use Regulations in relation to features associated with wheelchairs, boarding devices (lifts, ramps), optical devices (to allow the driver to see the boarding area), signs and markings, communication devices, slip resistant surfaces, steps, floors and gangways, kneeling systems, lighting which is intended for wheelchair users to board or alight in safety.

A regulatory impact assessment has been prepared and copies can be obtained from the Department for Transport, Local Government and the Regions, Zone 2/05, Great Minster House, 76 Marsham Street, London SW1P 4DR (Telephone: 020-7944 2467). A copy has been placed in the library of each House of Parliament.

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