

2003 No. 1960

ROAD TRAFFIC

**The Motor Cycles Etc. (Single Vehicle Approval) (Fees)
Regulations 2003**

Made - - - - - *31st July 2003*

Laid before Parliament *31st July 2003*

Coming into force - - *8th August 2003*

The Secretary of State for Transport, in exercise of the powers conferred by sections 61(1) and (2) of the Road Traffic Act 1988(a), and of the powers conferred by the Department of Transport (Fees) Order 1988(b) and section 128 of the Finance Act 1990(c) 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 said 1988 Act, 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 Cycles Etc. (Single Vehicle Approval) (Fees) Regulations 2003 and shall come into force on 8th August 2003.

Interpretation and application

2.—(1) In these Regulations—

“the Act” means the Road Traffic Act 1988;

“the Approval Regulations” means the Motor Cycles Etc. (Single Vehicle Approval) Regulations 2003(d);

“approval requirements” has the same meaning as in the Approval Regulations;

“appeal” means an appeal under section 60 of the Act in respect of the determination of an application;

“application” means an application (whether an original application or a further application) under regulation 5 of the Approval Regulations for the issue of a Minister’s approval certificate under section 58 of the Act;

“examination” means an examination for the purposes of an application;

“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 5(6) of the Approval Regulations;

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

(b) S.I. 1988/643; relevant amending instruments are S.I. 1995/1684 and 1996/1961.

(c) 1990 c. 29.

(d) S.I. 2003/1959.

“holiday” means 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^(a));

“low power moped” means a vehicle fitted with pedals and an auxiliary engine of a power output not exceeding 1 kilowatt and a maximum speed not exceeding 25 kilometres per hour being a moped within the meaning of the first indent of Article 1(2) of Council Directive 92/61/EEC relating to the type-approval of two or three wheel motor vehicles^(b) as amended by Directive 2000/7/EC of the European Parliament and of the Council^(c);

“original application” means an application made in accordance with regulation 5(1) to (3) of the Approval Regulations, not being a further application;

“out of hours period” means—

- (a) a holiday; or
- (b) any part of a day not being a holiday, other than between—
 - (i) 8.00 am and 5.00 pm on a Monday, Tuesday, Wednesday or Thursday; or
 - (ii) 8.00 am and 4.30 pm on a Friday;

“part”, in relation to a vehicle, includes a system, a separate technical unit and a component;

“re-examination” means an examination for the purposes of an appeal; and

“relevant vehicles” means those vehicles to which the Approval Regulations apply.

(2) These Regulations apply to relevant vehicles.

Fees for original applications

3.—(1) Subject to paragraph (2), the fee prescribed for the purposes of regulation 5(3)(b) of the Approval Regulations is—

- (a) £70 in the case of a vehicle which has two wheels other than a low power moped;
- (b) £85 in the case of a vehicle which has three or more wheels other than a low power moped; and
- (c) £45 in the case of a low power moped.

(2) Where at the applicant’s request the time appointed for any examination of a vehicle for the purposes of such an application falls within an out of hours period the fee prescribed by paragraph (1) shall be increased by £20 and such amount shall be payable before the examination is carried out.

Fees for further applications

4.—(1) Subject to paragraph (2), the fee prescribed for the purposes of regulation 5(7)(d) of the Approval Regulations is £15.

(2) Any fee which would otherwise be payable by virtue of regulation 5(7)(d) of the Approval Regulations 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 previous examination on which the Secretary of State will accept vehicles for examination and the requirements of paragraph (3) are met.

(3) The requirements of this paragraph are that the further application must be due to the original application being refused only because—

- (a) there were instances of failure, not exceeding three in number, to comply with the approval requirements set out or referred to in column 3 of the Table in relation to the items in column 1 of that Table numbered—
 - (i) in the case of a vehicle with two wheels, 14; or
 - (ii) in the case of a vehicle with three or more wheels, 13 or 14;
- (b) there was a failure to comply with one or more of the approval requirements set out or referred to in column 3 of the Table in relation to the items in column 1 of the Table numbered—
 - (i) 1 to 8, 10 to 12, 15 to 17, 21, 22, 26 and 27,
 - (ii) 9 (save for the requirement set out in paragraph 3 thereof), and

(a) 1971 c. 80.

(b) OJ No. L225, 10.8.92, p. 72.

(c) OJ No. L106, 3.5.2000, p. 1.

- (iii) 25 (save for the requirement set out in paragraph 3 thereof in the case of a vehicle with two wheels and save for that requirement and the requirement referred to in paragraph 4 thereof in the case of a vehicle with three or more wheels); or
 - (c) there were no more than three instances of a failure to comply with approval requirements under sub-paragraph (a) and there was a failure to comply with one or more of the approval requirements under sub-paragraph (b).
- (4) For the purposes of this regulation—
- (a) a reference to “the Table” means the Table in Schedule 2 to the Approval Regulations; and
 - (b) references to approval requirements set out or referred to in column 3 of the Table in relation to numbered items in column 1 of that Table shall be taken as being subject to any entries in relation to any of those items in column 4 or 5 of the Table.

Repayment of application fees

5.—(1) If the person who has applied for an examination for the purposes of an original application or a further application fulfils the requirement for repayment to an applicant set out in sub-paragraph (a) or (b) of paragraph (2) the application shall, unless another time therefor is arranged, 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 that person.

- (2) The requirement for repayment to an applicant is that he—
- (a) has before the time appointed for the examination given the Secretary of State three 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 five days before that time and of which the applicant gives notice to the Secretary of State (whether in writing or otherwise) within three days of the occurrence of those circumstances.

Fees for appeals

6.—(1) Subject to paragraphs (2) and (3), the fee prescribed for the purposes of regulation 8(2) of the Approval Regulations is—

- (a) £70 in the case of a vehicle which has two wheels other than a low power moped;
- (b) £85 in the case of a vehicle which has three or more wheels other than a low power moped; and
- (c) £45 in the case of a low power moped.

(2) Where at the appellant’s request the time appointed for any re-examination of a vehicle for the purposes of such an appeal falls within an out of hours period, the fee prescribed by paragraph (1) shall be increased by £20, such additional amount being payable before the re-examination is carried out.

Repayment of appeal fees

7.—(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 fulfils the requirement for repayment to an appellant set out in sub-paragraph (a) or (b) of paragraph (3) the re-examination shall, unless another time therefor is arranged, 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 that person.

- (3) The requirement for repayment to an appellant is that he—
- (a) has before the time appointed for the 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 five days before that time and of which the applicant gives notice to the Secretary of State (whether in writing or otherwise) within three days of the occurrence of those circumstances.

Fees for replacement certificates

8. The fee prescribed for the purposes of regulation 11(2)(b) of the Approval Regulations is £10.

Notices

9.—(1) A notice under these Regulations may be given by post.

(2) For the purpose of calculating the period of any notice given under these Regulations a holiday shall be excluded from the period.

Signed by authority of the
Secretary of State for Transport

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

31st July 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the fees which are payable in connection with applications for a Minister's Approval Certificate and appeals under the Motor Cycles Etc. (Single Vehicle Approval) Regulations 2003 ("the Approval Regulations"). The Approval Regulations allow motor cycles, mopeds and other specified vehicles to be approved in terms of their design, construction, equipment and marking.

The fee for an application for a Minister's Approval Certificate, or for an appeal against a determination upon an application, is £70 for a two wheel vehicle (other than a low power moped as defined in regulation 2), £85 for a vehicle with three or more wheels (other than a low power moped) and £45 for a low power moped (*regulations 3(1) and 6(1)*).

If an application or appeal involves an examination which, at the applicant's request, is outside normal business hours the fee is increased by £20 (*regulations 3(2) and 6(2)*).

Where an application is refused the Approval Regulations permit a further application to be made in specified circumstances. The fee for such application is £15 unless the failures identified by the original application relate only to specified approval requirements as described in the Approval Regulations in which case no fee is payable (*regulation 4*).

The Regulations also require fees be repaid in specified circumstances (*regulations 5 and 7*), prescribe a fee of £10 for replacing a lost or defaced certificate (*regulation 8*) and make provision for the service of notices (*regulation 9*).

Copies of the Approval Regulations and of the Directives referred to in these Regulations may be obtained from the Stationery Office.

£1.75

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