
STATUTORY INSTRUMENTS

2009 No. 717

The Road Vehicles (Approval) Regulations 2009

PART 6

MISCELLANEOUS

Reviews and appeals

Review of decisions on type approval applications

36.—(1) This regulation applies to all relevant notices except those given under regulation 27(7).

(2) Where the approval authority has given a person a relevant notice to which this regulation applies, that person may apply to the approval authority for a reconsideration of the decision to give that notice.

(3) An application under paragraph (1) must—

- (a) be made within a period of 28 days beginning on the date when the relevant notice is received, and
- (b) be in writing stating the reasons for making it and accompanied by such further evidence as may be reasonably necessary to support those reasons.

(4) The approval authority may—

- (a) request further evidence in support of the application;
- (b) after giving reasonable notice to the applicant, carry out a re-examination of one or more vehicles for the purpose of determining the issues raised by the application.

(5) The approval authority must as soon as reasonably practicable—

- (a) give written notification to the applicant stating whether the original decision is confirmed, amended or reversed, and
- (b) if the decision is reversed or amended, take the appropriate action in respect of the revised decision.

(6) An applicant aggrieved by the approval authority's notification under paragraph (5) may by notice in writing request the approval authority to appoint an independent assessor or assessment panel to review the decision to which the relevant notice relates.

(7) A request under paragraph (6) must be—

- (a) made not later than 28 days after receipt of the approval authority's notification under paragraph (4),
- (b) in writing stating the reasons for the request, and
- (c) accompanied by the prescribed fee (if any).

(8) As soon as reasonably practicable after the date of receipt of the request under paragraph (6) for an independent review the approval authority must—

- (a) appoint a person to act as assessor or , at the authority's discretion, not more than three persons to act as an assessment panel, and
 - (b) notify the applicant of the appointment.
- (9) The independent assessor or assessment panel may—
- (a) request further evidence in support of the request for review;
 - (b) after giving reasonable notice to the applicant, carry out a re-examination of one or more vehicles for the purpose of determining the issues raised by the request for review.