

2014 No. 2117

ROAD TRAFFIC

**The International Carriage of Dangerous Goods by Road (Fees)
(Amendment) Regulations 2014**

<i>Made</i> - - - -	<i>6th August 2014</i>
<i>Laid before Parliament</i>	<i>19th August 2014</i>
<i>Coming into force</i> - -	<i>1st October 2014</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a).

In relation to the exercise of his powers under the Finance Act 1973 the Secretary of State has the consent of the Treasury.

In determining the amount of the fees specified in these Regulations, the Secretary of State has taken into account the cost of the functions listed in item C in Table II of Schedule 1 to the Department of Transport (Fees) Order 1988(b) and has taken into account the matters listed in paragraphs 1 to 8 of Schedule 2.

Citation and commencement

1. These Regulations may be cited as the International Carriage of Dangerous Goods by Road (Fees) (Amendment) Regulations 2014 and come into force on 1st October 2014.

Amendment of Regulations

2.—(1) The International Carriage of Dangerous Goods by Road (Fees) Regulations 1988(c) are amended as follows.

(2) In regulation 2 (interpretation), omit sub-paragraph (b) (definition of “the 1988 Regulations”).

(3) For regulation 3 (fees) substitute—

“3. Subject to regulations 3A, 4(2) and 5, the fee for the administrative work carried out upon receipt of an application for an ADR certificate and for the carrying out of an inspection in respect of a vehicle shall be—

(a) £116 where the inspection is to be carried out at a vehicle testing station provided by the Secretary of State; or

(a) 1973 c.51; section 56(1) was amended by S.I. 2011/1043.

(b) S.I. 1988/643, amended by S.I. 2009/711.

(c) S.I. 1988/370, amended by S.I. 1991/458, 1992/714, 1993/3067, 1997/158, 2001/1812, 2002/537, 2003/1811, 2004/1884, 2005/2456, 2007/634, 2008/1578 and 2009/856.

- (b) £83 where the inspection is to be carried out at a vehicle testing station not provided by the Secretary of State.”.
- (4) In regulation 4—
 - (a) in paragraph (1), omit “below”;
 - (b) for paragraph (2) substitute—

“(2) Where a vehicle fails to pass an inspection and within 14 days thereafter arrangements are made for a further inspection to be carried out within that period, paragraph (1) shall not apply but in respect of such further inspection the fee payable shall be—

 - (a) £63 where the inspection is carried out at a vehicle testing station provided by the Secretary of State; or
 - (b) £39 where the inspection is carried out at a vehicle testing station not provided by the Secretary of State.”.
- (5) For regulation 5, substitute—

“5. Subject to regulation 8, the fees payable under regulation 3 or 4 in relation to an application for an ADR certificate are payable notwithstanding that the vehicle is not submitted for an inspection at the time arranged for the inspection or the inspection is not carried out for any of the reasons specified in the Schedule, but if the inspection is not carried out for any other reason any sum tendered under regulation 7 in relation to the application must be returned.”.
- (6) Omit regulation 11 (savings).

Signed by authority of the Secretary of State

6th August 2014

We consent to the making of these Regulations

21st July 2014

Claire Perry
Parliamentary Under Secretary of State
Department for Transport

Mark Lancaster
David Evennett
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the International Carriage of Dangerous Goods by Road (Fees) Regulations 1988 (S.I. 1988/370) (“the 1988 Regulations”). The 1988 Regulations prescribe the fees payable in connection with the issue of special certificates of approval for vehicles used to carry dangerous goods, in pursuance of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR). An “ADR” certificate is a special certificate of approval as defined in regulation 2 of the 1988 Regulations. “ADR” is the abbreviation for “Accord Européen Relatif au Transport International des Marchandises Dangereuses par Route”.

Regulation 2 makes changes to the fees prescribed by the 1988 Regulations where an application is made for an ADR certificate. Where fees relate to an inspection that is required to be undertaken, a distinction is now made between circumstances where the inspection is carried out, on the one hand, at a vehicle testing station provided by the Secretary of State (when the fees payable have been increased) and on the other hand, at a vehicle testing station that is not provided by the Secretary of State (when the fees payable have been reduced). Regulations 3 and 4 of the 1988 Regulations have accordingly been modified to introduce this differentiation.

The opportunity has also been taken to modify and simplify the 1988 Regulations to bring them into line with current practice, whereby a full roadworthiness test under the Goods Vehicles (Plating and Testing) Regulations 1988 (S.I. 1988/1478) is no longer undertaken where the inspection for the purpose of the ADR certificate does not take place on the same day as that test.

The increased and reduced fees, which come into effect from 1st October 2014, are set out in the Table below, with the percentage increases or reductions since the fees were last fixed (with effect from 3rd May 2009) shown in brackets.

Table

<i>Nature of service</i>	<i>Existing fee (£)</i>	<i>Substituted fee (£)</i>
Inspection in relation to an application for an ADR certificate carried out at a vehicle testing station provided by the Secretary of State.	99	116 (+17.2%)
Inspection as above but carried out at a vehicle testing station not provided by the Secretary of State.	99	83 (-16.2%)
Where a vehicle fails to pass an inspection and arrangements are made for a further inspection to be carried out no more than 14 days after the first inspection at a vehicle testing station provided by the Secretary of State.	50	63 (+26.0%)
Inspection as above but carried out at a vehicle testing station not provided by the Secretary of State.	50	39 (-22.0%)

Regulation 2 also omits the definition of the Goods Vehicles (Plating and Testing) Regulations 1988 in regulation 2 of the 1988 Regulations, as well as regulation 11 of the 1988 Regulations, both of which are redundant.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the DVSA Corporate Office, Berkeley House, Croydon Street, Bristol BS5 0DA (telephone: 0117 954 3200). A copy has been placed in the library of each House of Parliament. The impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument on the website, www.legislation.gov.uk. DVSA (Driver and Vehicle Standards Agency) was formed on 1st April 2014 following the merger of VOSA

(Vehicle and Operator Services Agency) with the DSA (Driving Standards Agency) to form a single entity.

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