
STATUTORY INSTRUMENTS

1988 No. 1478

The Goods Vehicles (Plating and Testing) Regulations 1988

PART VI

MISCELLANEOUS MATTERS

Method of payment of fees

38. Except where by these Regulations provision is made for fees to be payable in cash, all fees payable to the Secretary of State under these Regulations shall be paid by cheque, girocheque or postal order but receipt of the instrument shall not be treated as payment.

General provisions as to fees

39.—(1) In this regulation “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 therefor).

(2) Where any fee under these Regulations in respect of an examination has been paid that fee shall, subject to paragraph (3), be payable notwithstanding that the vehicle is not submitted for an examination on the day and at the time fixed under these Regulations for that examination and notwithstanding that the examination is not carried out by reason of any provision of regulation 8.

(3) If the applicant for an examination—

- (a) has not less than 7 days before the day fixed under these Regulations for the carrying out of the examination given the Secretary of State notice (whether in writing or otherwise) at the vehicle testing station at which the examination has been arranged that he does not propose to submit the vehicle for examination on that day; or
- (b) satisfies the Secretary of State that the vehicle cannot, or as the case may be, could not be submitted for the examination on the day or at the time fixed for the examination because of exceptional circumstances occurring not more than 7 days before the said 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 the applicant may either—

- (i) make an application in writing to the Secretary of State at the vehicle testing station at which the examination has been arranged either at the time of the notice given under paragraph (3)(a) or (b) or within 28 days of the date thereof, for another examination of the same kind for that vehicle or another vehicle to be carried out within three months of the date of the application, and in that event the said fee shall be treated as having been paid in respect of that application unless the fee in respect of that application is greater, in which case the fee already paid shall be treated as having been paid towards the fee payable in respect of that application; or
- (ii) give notice to the Secretary of State at the place mentioned in sub-paragraph (i) above and at the time of the notice given under paragraph (3)(a) or (b) or within 28 days of the date thereof, that no other examination of the same kind is required for that vehicle or another vehicle, and

in that event the said fee, less a sum of £1.50 for administrative expenses, shall be refunded to the applicant.

Provisions as to fees on appeal

40.—(1) After the completion of a re-examination for the purposes of an appeal under section 45(3) or (4) of the 1972 Act the Secretary of State may repay to the appellant, as he thinks fit, either the whole or part of the fee paid on the appeal, where it appears to him there were substantial grounds for contesting the whole or part of the determination against which the appeal was made.

(2) A fee payable on an appeal in accordance with these Regulations shall be payable notwithstanding that the vehicle is not submitted for re-examination in accordance with regulation 25(8) or in accordance with that regulation as applied by any other regulation contained in these Regulations:

Provided that, if the appellant has before the time fixed under regulation 25, or under that regulation as so applied, for the carrying out of the re-examination given the Secretary of State not less than two clear days' notice (whether in writing or otherwise) at the office at which his appeal was lodged that the appellant does not propose to submit the vehicle for re-examination at that time, the appeal shall be treated for the purposes of this regulation as one in respect of which no fee is payable and any amount previously paid in respect of such a fee shall be repaid by the Secretary of State to the appellant unless another time is arranged for carrying out of the re-examination.

Replacements of plates and certificates

41.—(1) If a Ministry plate, a plating certificate (whether issued under these Regulations or being treated as a plating certificate by virtue of section 48(5) of the 1972 Act), a goods vehicle test certificate or a Ministry test date disc has been lost or defaced, an application for the issue of a replacement for the plate, certificate or disc lost or defaced may be made in writing to the Goods Vehicle Centre, and every such application shall be accompanied by the payment of the fee of £7.50.

(2) On the receipt of an application and fee mentioned in paragraph (1) the Secretary of State shall determine whether the vehicle shall be re-examined, and if he determines—

- (a) that no re-examination of the vehicle is required he shall issue to the applicant a replacement for the plate, certificate or disc to which the application relates and any such replacement shall have the same effect as the plate, certificate or disc which it replaces and shall be marked “replacement”;
- (b) that a re-examination of the vehicle is required, he shall by notice to the sender require the vehicle to be submitted for re-examination at a vehicle testing station specified in the notice and appoint a date and time for the examination.

(3) A re-examination under paragraph (2)(b) shall be carried out as if it were a first examination under regulations 17 to 23, the appropriate fee shall be paid as if the examination were a first examination, and the appropriate documents shall be issued in accordance with regulations 21 and 23.

Provisions as to notices

42.—(1) Except as otherwise provided in these Regulations, every notice under these Regulations shall be in writing and may be given by post.

(2) For the purposes of calculating the period of any notice given in accordance with the provisions of these Regulations a Saturday, Sunday, Good Friday, Christmas Day or a bank holiday (as defined in the Banking and Financial Dealings Act 1971)(1) shall be excluded from the period.

(1) 1971 c. 80.

(3) When giving any notice referred to in regulation 14(1), 15(4) or 33 the Secretary of State shall have regard, so far as is reasonably practicable, to any preference expressed by the person to whom the notice is addressed as to the vehicle testing station and the date and time at which the examination shall take place.