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STATUTORY INSTRUMENTS

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**1996 No. 3013**

**The Motor Vehicles (Approval) Regulations 1996**

**PART IV**

**MISCELLANEOUS**

**Application for Minister's approval certificate**

7.—(1) An application for the issue for a Minister's approval certificate on the basis that the vehicle complies with the approval requirements by virtue of these Regulations shall be made to the Secretary of State.

(2) The application shall be in a form which—

- (a) has been approved by the Secretary of State; and
- (b) has been duly completed so as to furnish all the information required by that form.

(3) The application shall be accompanied by—

- (a) the documents mentioned in the form as being required in connection with the application; and
- (b) the prescribed fee.

(4) As soon as reasonably practicable after he receives the application, the Secretary of State shall send to the applicant a notice stating the time when and the place where an examination for the purpose of the application is to be carried out.

(5) The Secretary of State may by notice to the applicant alter the time when or the place where the examination is to be carried out, but he shall not alter the time to an earlier time without the consent of the applicant.

(6) Where an application ("the original application") is made in accordance with the paragraphs (1) to (3) is refused other than by virtue of regulation 11 or on the grounds that the vehicle is neither a relevant passenger vehicle nor a relevant goods vehicle, a further application by the same applicant in respect of the vehicle shall be regarded as having been made in accordance with and pursuant to those paragraphs if—

- (a) it is made (orally or in writing) to the Secretary of State during the period of three months beginning with the date on which the original application was refused; and
- (b) at the time that he makes the further application, the applicant requests an examination to be carried out for the purpose of the further application—
  - (i) at the place where the examination took place for the purposes of the original application, and
  - (ii) during that period of three months.

(7) Paragraphs (4) and (5) shall not apply to an application made in accordance with paragraph (6). In the case of such an application—

- (a) the Secretary of State shall inform the applicant in such manner as he thinks fit of the time when and the place where the examination is to take place;

- (b) the Secretary of State may alter the time when or the place where the examination is to be carried out, but he shall not alter the time to an earlier time without the consent of the applicant;
- (c) if the Secretary of State so alters the time or place, he shall inform the applicant in such manner as he thinks fit of the time when and the place where the examination is to be carried out; and
- (d) the applicant shall pay the prescribed fee to the Secretary of State before the examination is carried out.

(8) Paragraphs (4) to (7) shall not apply to an application for the issue of a Minister's approval certificate under section 58(4) of the 1988 Act.

#### **Assignment of vehicle identification numbers**

**8.**—(1) This regulation applies where it appears to the Secretary of State when he gives notice under regulation 7(4) that the vehicle to which the application relates does not have a vehicle identification number which—

- (a) complies with paragraph 3.1.1 of the Annex to Directive 76/114/EEC or that Directive as last amended by Directive 78/507/EEC;
- (b) has been previously assigned to the vehicle under this regulation; or
- (c) does not fall within sub-paragraph (a) or (b), but is adequate for the purpose of enabling the vehicle to be identified.

(2) In such a case—

- (a) he shall assign a vehicle identification number to the vehicle; and
- (b) the number shall be specified in the notice.

(3) Where an application is made under regulation 7 for the issue of a Minister's approval certificate under section 58(4) of the 1988 Act—

- (a) paragraph (1) shall have the effect as if the words “when” to “regulation 7(4)” were omitted, and
- (b) paragraph (2) shall have effect as if sub-paragraph (b) were omitted.

#### **Criteria for determining design weights**

**9.** For the purposes of section 54(2) of the 1988 Act, where an application is made pursuant to regulation 7, the criteria for determining, as design weights, the axle weights and gross weights which in the opinion of the Secretary of State should not be exceeded in the case of a vehicle to which these Regulations apply are as follows—

- (a) the design of the vehicle, its construction and equipment and the stresses to which it is likely to be subject when used on a road;
- (b) any information which is available about the weight which a vehicle of that type was designed by the manufacturer to carry when used on a road; and
- (c) any information obtained from an examination of a vehicle of that type or a similar type with a view to ascertaining whether at the time of the examination, it complied with any requirement prescribed under section 54 of the 1988 Act and applicable to it.

## Appeals

**10.**—(1) An appeal under section 60 of the 1988 Act by a person aggrieved by a determination made on behalf of the Secretary of State pursuant to an application under regulation 7 shall be made by notice in a form which—

- (a) has been approved by the Secretary of State; and
- (b) has been duly completed so as to furnish all information which is required by that form.

(2) The notice of appeal shall be accompanied by the prescribed fee.

(3) The prescribed time within which an appeal against such a determination may be made is 14 days beginning with the date of the determination.

(4) As soon as reasonably practicable after the date of the receipt of the notice of appeal the Secretary of State shall send to the appellant a notice stating the time when and the place where the re-examination for the purpose of determining the issues raised on the appeal is to be carried out.

(5) The Secretary of State may by notice to the applicant alter the time when or the place where the re-examination is to be carried out, but he shall not alter the time to an earlier time without the consent of the applicant.

## Refusal of application or appeal without an examination or a complete examination

**11.**—(1) In this regulation—

“examiner”, in relation to an examination, means the person appointed by the Secretary of State to conduct the examination;

“examination”, in relation to an application, means an examination for the purposes of the application.

(2) This regulation applies to an appeal under regulation 10 as it applies to an application under regulation 7 for the issue of a Minister’s approval certificate under section 58(1) of the 1988 Act as if references to the application were references to the appeal.

(3) The Secretary of State may refuse an application under regulation 7 for the issue of a Minister’s approval certificate under section 58(1) of the 1988 Act even though an examination has not been carried out if—

- (a) the vehicle is not submitted for examination at the time and place fixed under these Regulations for the examination;
- (b) the fee in respect of the examinations is not paid at or before the time fixed under these Regulations for the examination;
- (c) the examiner is not able, with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out, to complete the examination without the vehicle being driven or the engine run and the vehicle is not when submitted for examination, either for want of fuel or oil or for any other reason, fit to be driven or for the engine to be run to such extent as may be necessary for the purposes of carrying out the examination;
- (d) at the time that the vehicle is submitted for the examination, the vehicle or any part of or any equipment of the vehicle is so dirty or dangerous as to make it unreasonable for the examination to be carried out;
- (e) any things which are on the vehicle when it is submitted for the examination, and are not part of its equipment or accessories, are required by the examiner to be removed from the vehicle or to be secured in such a manner as he may think necessary and those things are not removed or secured accordingly;

- (f) when the vehicle is submitted for the examination, a proper examination cannot be carried out as a consequence of any door, tailgate, boot lid, engine cover, fuel cap or other device designed to be capable of being readily opened, being locked or otherwise fixed so that it cannot readily be opened;
  - (g) when the vehicle is submitted for the examination, its condition is such that, in the opinion of the examiner, a proper examination of the vehicle would involve a danger of—
    - (i) injury to any person, or
    - (ii) damage to the vehicle or any other property;
  - (h) when the vehicle is submitted for the examination, there is not permanently fixed to the chassis or main structure of the vehicle in a conspicuous and easily accessible position so as to be readily legible, a vehicle identification number that—
    - (i) complies with paragraph 3.1.1 of Annex to Directive 76/114/EEC or that Directive as last amended by Directive 78/570/EEC;
    - (ii) has been assigned to the vehicle under regulation 8; or
    - (iii) does not fall within sub-paragraph (i) or (ii), but appears to the Secretary of State to be adequate for the purpose of enabling the vehicle to be identified; or
  - (j) the person who is the driver of the vehicle at the time it is submitted for the examination is requested to remain in it or its vicinity throughout the examination, to drive it, to operate its controls or to remove or refit its panels and he declines to do so.
- (4) Nothing in this regulation shall affect the power of the Secretary of State to refuse an application which he would have were this regulation to be omitted.

### **Form of certificate**

**12.**—(1) Subject to paragraph (2), a Minister’s approval certificate issued under section 58(1) of the 1988 Act shall be in the form set out in Schedule 4 to these Regulations or in a form to the like effect where the certificate is issued on the basis that the vehicle complies with the approved requirements by virtue of these Regulations.

- (2) There shall be inserted in the box under the words “Type Code”—
- (a) the letter “V” if the certificate is being issued on the basis that the vehicle meets the requirements of paragraph 1 of Schedule 1 to these Regulations;
  - (b) the letter “P” if the certificate is being issued on the basis that the vehicle meets the requirements of paragraph 2 of Schedule 1 to these Regulations;
  - (c) the letter “A” if the certificate is being issued on the basis that the vehicle meets the requirements of paragraph 3 of Schedule 1 to these Regulations;
  - (d) the letter “M” if the certificate is being issued on the basis that the vehicle is a motor ambulance or a motor caravan,

but any letter or letters inserted pursuant to sub-paragraph (a) to (d) may be followed by a zero and then by any letters or numbers that the Secretary of State thinks fit to insert.

(3) Paragraphs (1) and (2) shall apply to a Minister’s approval certificate issued under section 58(4) of the 1988 Act as they apply to such a certificate issued under section 58(1) of that Act as if for the words “section 58(1)” in the form set out in Schedule 4 to these Regulations there were substituted the words “section 58(4)”.

### **Notices**

**13.** Without prejudice to regulation 7(7)(a), every notice under these Regulations shall be in writing and may be given by post.

## **Obligatory certificates**

14.—(1) Subject to paragraph (2) below, this regulation applies to all relevant goods vehicles and relevant passenger vehicles.

(2) This regulation does not apply—

- (a) to any motor ambulance or a motor caravan;
- (b) to any vehicle that meets the requirements of paragraph 2 of Schedule 1 to these Regulations and is a vehicle to which section 47 of the 1988 Act<sup>(1)</sup> applies; or
- (c) to any registered vehicle.

(3) The day appointed for the purposes of section 63(1) of the Road Traffic Act 1988 in relation to every vehicle—

- (a) to which this regulation applies; but
- (b) which is not of a class for which a day has previously been appointed for those purposes, is 1st July 1997.

(4) Without prejudice to any other regulations having effect by virtue of section 63(1) of the 1988 Act, all vehicles to which this regulation applies are vehicles of a prescribed class for the purposes of that section.

(5) The type approval requirements prescribed for the purposes of section 63(1) of the 1988 Act, in relation to every vehicle to which this regulation applies, are the approval requirements.

(6) Section 63(1) of the 1988 Act shall not apply to the use of a relevant passenger vehicle or a relevant goods vehicle—

- (a) for the purpose of submitting it (by previous arrangement for a specified time on a specified date) before it is registered for an examination pursuant to an application under these Regulations;
- (b) for the purpose of bringing it away, before it is registered, from such an examination;
- (c) by an authorised person for the purpose of—
  - (i) taking it to, or bringing it away from, a place where a part of such an examination is to be, or has been, carried out, or
  - (ii) carrying out a part of such an examination, or
  - (iii) warming up its engine in preparation for such an examination, before it is registered;
- (d) where an application under regulation 7 is refused following such an examination, for the purpose of—
  - (i) delivering it (by previous arrangement for a specified time on a specified date) at a place where relevant work is to be done on it, or
  - (ii) bringing it away from a place where relevant work has been done on it, before it is registered.

(7) In this regulation—

“authorised person” means an examiner appointed under section 66A of the 1988 Act or a person carrying out such an examination under the direction of such an examiner;

“registered” means registered under the Vehicle Excise and Regulation Act 1994;

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(1) Section 47 was amended by the Finance Act 1994 (c. 9), Schedule 2, paragraph 25 and by the Vehicle Excise and Registration Act 1994 (c. 22), Schedule 3, paragraph 24(2).

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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“relevant work” means work done or to be done to remedy the defects on the ground of which the application was refused (including work to alter the vehicle in some aspect of design, construction, equipment or marking on account of which the certificate was refused).

**Licences not be issued for vehicles unless appropriate certificates are in force**

**15.** Where application is made for a licence under the Vehicle Excise and Registration Act 1994 for a vehicle to which regulation 14 applies, the licence shall not be granted unless on the first application after the day appointed by regulations made by virtue of the 1988 Act, for a licence for that vehicle, there is produced evidence that there is or are one or more certificates in force for the vehicle under sections 54 to 58 of the 1988 Act from which it appears that the vehicle complies with the approval requirements.