

SCHEDULE 2

Regulation 5

REDUCED POLLUTION CERTIFICATES AND THE REDUCED POLLUTION REQUIREMENTS

Interpretation of Schedule

1.—(1) In this Schedule—

“authorised examiner” means—

- (a) a vehicle examiner appointed by the Secretary of State pursuant to section 66A of the 1988 Act⁽¹⁾;
- (b) a vehicle examiner appointed by the Department of the Environment for Northern Ireland pursuant to Article 74 of the Road Traffic (Northern Ireland) Order 1995⁽²⁾; or
- (c) a person authorised by the Secretary of State to conduct reduced pollution examinations;

“Directive 1999/96” means Directive 1999/96/EC of the European Parliament and of the Council of 13th December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and against the emission of gaseous and particulate pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC⁽³⁾;

“eligible vehicle” means a vehicle which is an eligible vehicle as defined by section 61B(4) of the 1994 Act;

“prescribed adaptation” shall be construed in accordance with paragraph 4(2);

“prescribed fee” means the fee prescribed by paragraph 13;

“rectification notice” has the meaning given by paragraph 9(1);

“reduced pollution examination” means an examination of an eligible vehicle for the purpose of determining whether a reduced pollution certificate should be issued for that vehicle”;

“vehicle identification number” has the same meaning as in regulation 67 of the Road Vehicles (Construction and Use) Regulations 1986⁽⁴⁾ or in regulation 80 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999⁽⁵⁾; and

a reference, in whatever terms, to an eligible vehicle which satisfies or does not satisfy the reduced pollution requirements is to an eligible vehicle with respect to which the reduced pollution requirements are, or are not, satisfied.

(2) For the purposes of this Schedule and of regulation 5, a reduced pollution certificate shall be deemed to be issued, and a notice or notification shall be deemed to be given, by an authorised examiner if it is signed by that examiner or on behalf of that examiner by a person authorised by him to sign it on his behalf.

Applications for reduced pollution certificates

2.—(1) An application for a reduced pollution certificate shall be made to the Secretary of State.

(2) The Secretary of State shall fix the time when and the place where a reduced pollution examination is to be carried out and shall inform the applicant accordingly.

(1) Section 66A was inserted by the Road Traffic Act 1991 (c. 40) section 9(1) and was amended by the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23) Schedule 7, paragraph 11.

(2) S.I. 1995/2994 (N.I. 18).

(3) OJNo. L 044, 16.2.00, page 1.

(4) S.I. 1986/2102, to which there are amendments not relevant to these Regulations.

(5) S.R. 1999/454, to which there are amendments not relevant to these Regulations.

(3) The Secretary of State may by notice to the applicant alter the time or place fixed for the examination, but shall not alter the time to an earlier time without the consent of the applicant.

Reduced pollution examinations

- 3.—(1) A reduced pollution examination shall be carried out by an authorised examiner.
- (2) An authorised examiner may refuse to examine an eligible vehicle if—
- (a) the vehicle is not presented at the time and place appointed for the examination;
 - (b) the prescribed fee has not been paid;
 - (c) the information specified in sub-paragraph (3) has not been provided;
 - (d) the person presenting the vehicle is not willing, to the extent necessary for the purpose of properly carrying out the examination,—
 - (i) to give the examiner access to the engine and the fuel and exhaust systems,
 - (ii) to operate the controls of the vehicle, or
 - (iii) generally to co-operate with the examiner;
 - (e) the vehicle is in so dangerous or dirty a condition that the examination cannot be carried out properly;
 - (f) the vehicle has insufficient fuel or oil in it for the examination to be carried out; or
 - (g) the vehicle's engine has failed electrically or mechanically.
- (3) The information referred to in sub-paragraph (2)(c) is—
- (a) the name and address (including post code) of the applicant;
 - (b) the registration mark of the vehicle (if the vehicle has been registered);
 - (c) the make and model of the vehicle;
 - (d) the vehicle identification number of the vehicle;
 - (e) the date of manufacture of the vehicle; and
 - (f) particulars of the prescribed adaptation made to the vehicle, whereby it is claimed that the vehicle satisfies the reduced pollution requirements.

The reduced pollution requirements

4.—(1) An eligible vehicle satisfies the reduced pollution requirements for the purposes of the 1994 Act at any time when, as a result of an adaptation of a description specified in paragraph (2) (“a prescribed adaptation”) having been made to it after 17th March 1998, it satisfies the reduced pollution requirements in accordance with paragraph (3) or (4).

- (2) A prescribed adaptation is—
- (a) the fitting of a new engine to an eligible vehicle; or
 - (b) the fitting to the engine of an eligible vehicle of a device, for which there is in force a certificate of conformity issued by the manufacturer of the vehicle under section 57 of the 1988 Act⁽⁶⁾ on the basis that the device complies with approval requirements prescribed for the purpose of these Regulations by the Secretary of State in regulations made by him under section 54 of that Act.
- (3) An eligible vehicle—
- (a) for which a reduced pollution certificate was not in force on 4th January 2001; and

(6) Section 57 was amended by [S.I. 1992/3107](#).

- (b) which at the time that it was first used was required to comply or did comply, as to the rate and content of its emissions, with the requirements specified in an instrument referred to in column (2) of an item in Table 1 below,

satisfies the reduced pollution requirements if it is so adapted that the rate and content of its particulate emissions do not exceed the number of grams per kilowatt-hour specified in column (3) of the item.

TABLE 1

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Instrument setting the standard to which the eligible vehicle was first used</i>	<i>(3)</i> <i>Rate and content of particulate emissions after adaptation (grams per kilowatt-hour)</i>
1	Directive 88/77/EEC (7)	0.16
2	Directive 91/542/EEC (8) (limits A)	0.16
3	Directive 91/542/EEC (limits B)	0.03
4	Directive 1999/96 Annex I, paragraph 6.2.1, Table 1 Row A and Table 2 Row A	0.03

- (4) An eligible vehicle—

- (a) for which a reduced pollution certificate was in force on 4th January 2001; and
 (b) which at the time that it was first used was required to comply or did comply, as to the rate and content of its emissions, with the requirements specified in an instrument referred to in column (2) of an item in Table 2 below,

satisfies the reduced pollution requirements if it is so adapted that the rate and content of its particulate emissions do not exceed the number of grams per kilowatt-hour specified in column (3) of the item.

TABLE 2

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Instrument setting the standard to which the eligible vehicle was first used</i>	<i>(3)</i> <i>Rate and content of particulate emissions after adaptation (grams per kilowatt-hour)</i>
1	Directive 88/77/EEC	0.16
2	Directive 91/542/EEC (limits A)	0.16
3	Directive 91/542/EEC (limits B)	0.08

(7) OJ No. L36, 9.2.88, page 3.

(8) OJ No. L295, 25.10.91, page 1.

Status: This is the original version (as it was originally made).

<i>(1) Item</i>	<i>(2) Instrument setting the standard to which the eligible vehicle was first used</i>	<i>(3) Rate and content of particulate emissions after adaptation (grams per kilowatt-hour)</i>
4	European Commission Proposal Com (97) 627 for a European and Council Directive amending Council Directive 88/77(9)	0.04

(5) An eligible vehicle which was first used before 1st April 1991 shall be taken—

- (a) if it is a vehicle such as is referred to in paragraph (3), to be a vehicle to which item 1 of Table 1 applies; or
- (b) if it is a vehicle such as is referred to in paragraph (4), to be a vehicle to which item 1 of Table 2 applies.

(6) A vehicle shall be taken to have been first used on the date on which it was registered under the 1994 Act or its predecessor legislation.

Determination of applications and issue of certificates or notification of refusal

5.—(1) An authorised examiner who has carried out a reduced pollution examination shall issue a reduced pollution certificate to the applicant if and only if he is satisfied that the eligible vehicle satisfies the reduced pollution requirements.

(2) A reduced pollution certificate shall be granted for such period as the Secretary of State may determine.

(3) If an authorised examiner is not satisfied that an eligible vehicle that he has examined satisfies the reduced pollution requirements, he shall notify the applicant of his refusal of the application and of the reasons for it.

Contents of a reduced pollution certificate

6. A reduced pollution certificate shall contain the following information—

- (a) the registration mark of the eligible vehicle;
- (b) the date on which the certificate expires;
- (c) the make and model of the vehicle;
- (d) the vehicle identification number;
- (e) particulars of the prescribed adaptation that has been made to the vehicle;
- (f) the emission standard as specified in column (3) of the Table in paragraph 4(3) or 4(4) with which the vehicle has been adapted so as to comply; and
- (g) the vehicle testing station or other place at which the reduced pollution examination was conducted.

(9) OJ No. 98C 173/1, 8.6.98, page 18.

Reduced pollution certificate to be conclusive

7.—(1) If at any time a reduced pollution certificate is in force for an eligible vehicle that certificate shall be conclusive evidence that the vehicle satisfies the reduced pollution requirements at that time.

(2) If at any time no reduced pollution certificate is in force for an eligible vehicle, that fact shall be conclusive evidence that the vehicle does not satisfy the reduced pollution requirements at that time.

Re-examination of an eligible vehicle for which a reduced pollution certificate is in force

8.—(1) An authorised examiner may at any time by notice require the registered keeper of an eligible vehicle for which a reduced pollution certificate is in force to submit it, at a place and within a period specified in the notice (or at such other place or within such longer period as may be agreed by the Secretary of State), for a re-examination for the purpose of determining whether it still satisfies the reduced pollution requirements.

(2) Paragraphs 2(3) and 3(2) (except paragraph 3(2)(b)) apply to a re-examination under this paragraph.

(3) If an eligible vehicle for which a reduced pollution certificate is in force is found after a re-examination under this paragraph to satisfy the reduced pollution requirements, the authorised examiner who carried out the re-examination shall give notice to that effect to the registered keeper or to the person who brought the vehicle to the re-examination and to the Secretary of State.

Rectification notice

9.—(1) If, after an examination under paragraph 8 or otherwise, an eligible vehicle for which a reduced pollution certificate is in force is found no longer to satisfy the reduced pollution requirements, the authorised examiner who carried out the examination shall give notice (“a rectification notice”) to that effect to the registered keeper or the person who brought the vehicle to the examination.

(2) A rectification notice shall state in what respect the vehicle was found not to satisfy the reduced pollution requirements.

(3) A rectification notice shall state that, unless the vehicle is submitted for a further examination, at the place and within the period specified in the notice (or at such other place) or within longer period as may be agreed by the Secretary of State), and is found at that further examination to satisfy the reduced pollution requirements, the Secretary of State will at the expiration of that period revoke the reduced pollution certificate for the vehicle.

(4) Paragraphs 2(3) and 3(2) apply to an examination under sub-paragraph (3).

Revocation, surrender and cancellation of a reduced pollution certificate

10.—(1) The Secretary of State may by notice given to the registered keeper revoke a reduced pollution certificate—

- (a) if he is satisfied, in consequence of a re-examination under paragraph 9(3) that an eligible vehicle for which the reduced pollution certificate is in force no longer satisfies the reduced pollution requirements; or
- (b) if the registered keeper of an eligible vehicle who has been required to submit it for re-examination under paragraph 8 or following a rectification notice has failed to do so in accordance with this Schedule.

(2) A reduced pollution certificate which has been revoked by notice under paragraph (1) shall cease to have effect on the date specified for that purpose in the notice.

Status: This is the original version (as it was originally made).

(3) Where a notice has been given in respect of the eligible vehicle under paragraph 8(1) or 9(3), the notice under paragraph (1) shall not be given before the end of the period for submitting the vehicle for a further examination specified in the notice under paragraph 8(1) or, as the case may be, 9(3).

(4) The registered keeper of a vehicle for which a reduced pollution certificate is in force may at any time surrender the certificate to the Secretary of State for cancellation, whereupon the certificate shall cease to have effect.

(5) Where a certificate is revoked in accordance with paragraph (1) the registered keeper shall surrender the certificate to the Secretary of State for cancellation within the period specified for this purpose in the notice given under paragraph (1).

Replacement certificates

11. At any time when a reduced pollution is in force in respect of a vehicle the Secretary of State may, on surrender of the certificate or its identifiable remains, issue a replacement certificate for the remainder of the period for which the surrendered certificate was in force.

Appeal against refusal or revocation of a certificate

12.—(1) A person aggrieved by a refusal to issue a reduced pollution certificate following a reduced pollution examination, or by the revocation of a reduced pollution certificate, may appeal to the Secretary of State.

(2) An appeal shall—

- (a) be made before the expiration of the period of 14 days beginning with the day on which an authorised examiner gives notice under paragraph 5(3) or the Secretary of State gave notice under paragraph 10(1);
- (b) state the grounds on which it is made; and
- (c) be sent by post or facsimile transmission to the Secretary of State—
 - (i) at the Goods Vehicle Centre, Welcombe House, 91/92 The Strand, Swansea SA1 2DH, in the case of a vehicle which was examined in Great Britain; or
 - (ii) at the Driver and Vehicle Testing Agency, Headquarters, Balmoral Road, Belfast BT12 6QL, in the case of a vehicle which was examined in Northern Ireland.

(3) As soon as reasonably practicable after the receipt of an appeal made in accordance with sub-paragraph (2) the Secretary of State shall notify the appellant of—

- (a) the place at which the examination for the purposes of the appeal will take place; and
- (b) the time when it will start.

(4) The examination shall be carried by a person who has not previously examined the vehicle and who is—

- (a) in the case of an examination carried out in Great Britain, authorised by the Secretary of State to carry out examinations for the purposes of this paragraph; or
- (b) in the case of an examination carried out in Northern Ireland, an authorised examiner.

(5) At the conclusion of an examination under this paragraph the Secretary of State shall either issue a reduced pollution certificate or give the appellant notice that the appeal is dismissed and the grounds of dismissal.

(6) Paragraphs 2(3) and 3(2) apply to an examination under this paragraph.

Prescribed fees

13.—(1) Subject to sub-paragraphs (1) and (3) the prescribed fee for carrying out any examination of an eligible vehicle under this Schedule (except an examination under paragraph 8, for which no fee shall be payable) shall be—

- (a) £25, except in a case falling within paragraph (b);
- (b) £15, if it is carried out at the same time as an examination of the vehicle—
 - (i) for the purposes of determining whether a certificate of initial fitness should be issued under section 6 of the Public Passenger Vehicles Act 1981⁽¹⁰⁾ or a public service vehicle licence should be granted under Article 61 of the Road Traffic (Northern Ireland) Order 1981⁽¹¹⁾;
 - (ii) for the purposes of an examination carried out for the purposes of section 45 of the 1988 Act⁽¹²⁾, Article 61(1) of the Road Traffic (Northern Ireland) Order 1995 (test certificates); or
 - (iii) for one or more of the purposes mentioned in section 49(1) of the 1988 Act or Article 65 of the Road Traffic (Northern Ireland) Order 1995 (plating and testing of goods vehicles).

(2) If, at the request of the applicant, the time appointed for an examination is out of hours, the fee payable under sub-paragraph (1) shall be increased by £8.40.

(3) If, at the request of the applicant, an examination is carried out otherwise than at premises provided and maintained by the Secretary of State under section 52 of the 1988 Act or Article 73, of the Road Traffic (Northern Ireland) Order 1995⁽¹³⁾ the fee payable under the preceding provisions of this paragraph shall be increased by £3.50.

(4) In sub-paragraph (2) “out of hours” means—

- (a) at any time on Saturday, Sunday, Christmas Day, a Bank Holiday (as defined by the Banking and Financial Dealings Act 1971⁽¹⁴⁾) or (in relation to Great Britain) Good Friday or (in relation to Northern Ireland) Easter Tuesday or any other day on which tests are not normally conducted at vehicle testing stations;
- (b) or on any other day except—
 - (i) in Great Britain, between 8.00 am and 5.00 pm on Monday to Thursday inclusive or between 8.00 am and 4.30 on a Friday; or
 - (ii) in Northern Ireland, between 8.45 am and 4.55 pm on Monday to Friday inclusive.

⁽¹⁰⁾ 1981 c. 114; section 6 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 3, paragraph 22 and by the Road Traffic Act 1991, Schedule 4, paragraph 14.

⁽¹¹⁾ S.I. 1981/154 (N.I. 1).

⁽¹²⁾ Section 45 was amended by the Road Traffic Act 1991, Schedule 4, paragraph 53.

⁽¹³⁾ S.I. 1995/2994 (N.I. 18).

⁽¹⁴⁾ 1971 c. 80; as to bank holidays see section 1 and Schedule 1.