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STATUTORY INSTRUMENTS

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**1998 No. 459**

**FEES AND CHARGES**

**The Department of Transport (Fees) (Amendment) Order 1998**

*Made* - - - - *25th February 1998*

*Coming into force* - - *1st March 1998*

Whereas a draft of this Order has been approved by a resolution of the House of Commons in pursuance of section 102(5) of the Finance (No. 2) Act 1987<sup>(1)</sup>:

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 102 of that Act, hereby makes the following Order:—

**Citation and commencement**

1. This Order may be cited as the Department of Transport (Fees) (Amendment) Order 1998 and shall come into force on 1st March 1998.

**Amendment of the Department of Transport (Fees) (Order) 1988**

2.—(1) The Department of Transport (Fees) Order 1988<sup>(2)</sup> shall be further amended as follows.

(2) In Table VI of Schedule 1 (fees payable under the Vehicle Excise and Registration Act 1994<sup>(3)</sup>)—

- (a) paragraph 1 shall be renumbered as paragraph 2; and
- (b) at the beginning there shall be inserted the paragraph set out in the Schedule to this Order.

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(1) 1987 c. 51.

(2) S.I.1988/643; relevant amending instruments are S.I. 1991/811, 1995/1684.

(3) 1994 c. 22. Section 21 was amended by the Finance Act 1995 (c. 4), Schedule 4, paragraph 33 and by the Finance Act 1997 (c. 16), Schedule 3, paragraph 2. Section 22 was amended by the Finance Act 1995, Schedule 4, paragraph 34, by the Finance Act 1996 (c. 8), Schedule 2, paragraphs 4 to 7 and by the Finance Act 1997, Schedule 3, paragraph 3. Section 57 was amended by the Finance Act 1996, Schedule 2, paragraph 16.

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Signed by authority of the Secretary of State

25th February 1998

*Helene Hayman*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

SCHEDULE

Article 2(2)(b)

PARAGRAPH TO BE INSERTED INTO TABLE VI OF SCHEDULE  
1 TO THE DEPARTMENT OF TRANSPORT (FEES) ORDER 1988

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| <p><b>1.</b> Section 21(3)—power by regulations to provide that in such circumstances as may be prescribed by the regulations a vehicle shall not be registered under section 21 until a fee of such amount as may be so prescribed is paid.</p> | <p>(i) The functions of the Secretary of State under section 21 of Vehicle Excise and Registration Act 1994 relating to the registration of vehicles on the first issue by him of a vehicle licence or a nil licence.</p> <p>(ii) The functions of the Secretary of State in relation to anything done by the European Communities or any of their institutions with respect to the registration of vehicles including the conditions which must be satisfied before a vehicle can be registered.</p> <p>(iii) The Secretary of State’s function of satisfying himself before registering a vehicle that, so far as they apply, the requirements of section 66 of the Road Traffic Act 1988(4) or, as the case may be of Article 72 of the Road Traffic (Northern Ireland) Order 1995(5) are fulfilled in relation to the vehicle.</p> <p>(iv) All other functions of the Secretary of State in relation to the registration of vehicles including, without prejudice to the generality of the foregoing, the doing of anything (for which a</p> | <p>Paragraphs 1 to 8</p> |
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(4) 1988 c. 52; section 66 was amended by the Motor Vehicles (EC Type Approval) Regulations 1992, S.I. 1992/3107, Schedule 2, paragraph 4 and by Vehicle Excise and Registration Act 1994, Schedule 3, paragraph 24(1).

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

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charge is not otherwise payable) pursuant to or in connection with regulations made, or having effect as if made, under section 22, 23, 24, 28 or 57 of Vehicle Excise and Registration Act 1994 and the assignment of registration marks to vehicles pursuant to section 23 of that Act.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Department of Transport (Fees) Order 1988 so as to specify—

- (a) those functions, the costs of which are to be taken into account in determining the amount of the prescribed fee which is payable in prescribed circumstances before a vehicle can be registered under section 21 of Vehicle Excise and Registration Act 1994; and
- (b) the matters to be taken into account in determining those costs.