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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 303**

**Motor Vehicle Testing Regulations (Northern Ireland) 2003**

**PART III**

**APPEALS**

**Appeal on refusal of a test certificate**

- (1) (1) An appeal under Article 61(4) of the Order shall be made in writing on a form issued by the Department and shall be sent, together with the appropriate fee determined in accordance with paragraph 1 of Schedule 1, to the Department within fourteen days from the date of issue of the notification of refusal.
- (2) On being notified by the Department in writing, the appellant shall present the vehicle for a further examination at the time and vehicle testing centre specified in the notice.
- (3) The person submitting the vehicle for such examination shall –
- (a) produce the notification of refusal and the registration book relating to the vehicle; and
  - (b) give such information as may be reasonably required in relation to alterations made or repairs carried out, or any accidents or other events occurring, since the date of the notification, which may have affected the vehicle or its equipment or accessories,

and the Department shall not be required to carry out the examination unless the notification of refusal and registration book are produced and such information is given.

**Repayment of fee on appeal**

**17.**—(1) After the completion of the examination for the purpose of the appeal, the Department shall repay to the appellant the whole or part of the fee paid on the appeal where it appears to the Department that there were substantial grounds for contesting the whole or part of the decision appealed.

(2) Subject to paragraph (3), the fee payable on appeal shall be payable notwithstanding that the vehicle is not submitted for examination in accordance with the provisions of regulation 16.

(3) Where the appellant has before the time specified under regulation 16(2) for the carrying out of the examination given the Department not less than three days' notice (whether in writing or otherwise) at the vehicle testing centre specified in the notice, that the appellant does not propose to submit the vehicle for examination at that time, any amount previously paid in respect of such a fee shall be repaid to the appellant unless another time is arranged for the carrying out of the examination.