

2004 No. 65

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Approval) (Fees) Regulations
(Northern Ireland) 2004**

Made - - - - - 26th February 2004

Coming into operation 31st March 2004

The Department of the Environment, in exercise of the powers conferred on it by Articles 31D(1) and (2) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a), and of powers conferred by section 128(2) of the Finance Act 1990(b) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Approval) (Fees) Regulations (Northern Ireland) 2004 and shall come into operation on 31st March 2004.

Interpretation

2.—(1) In these Regulations –

“the Approval Regulations” means the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001(c);

“the Directive” means Council Directive 70/156/EEC(d) as amended by Council Directive 87/403/EEC(e) and Council Directive 92/53/EEC(f);

“EC certificate of conformity” means any certificate of conformity issued by a manufacturer under regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998(g), or under any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the Directive;

“EC type approval” means –

- (a) vehicle type approval in relation to a passenger vehicle or goods vehicle granted pursuant to the Directive, and
- (b) system, component or separate technical unit type approval granted pursuant to a separate Directive;

“exceptional circumstances” means an accident, a fire, 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 for that vehicle);

(a) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of “Department”; Article 31D was inserted by S.I. 1985/755 (N.I. 6), Article 3 and amended by S.R. 1993 No. 246, regulation 5

(b) 1990 c. 29

(c) S.R. 2001 No. 172 as amended by S.R. 2004 No. 30

(d) O.J. No. L42, 23.2.70, p. 1

(e) O.J. No. L220, 8.8.87, p. 44

(f) O.J. No. L225, 10.8.92, p. 1

(g) S.I. 1998/2051

“further application” means an application made in accordance with regulation 5(6) of the Approval Regulations;

“goods vehicle” means a motor vehicle of a kind referred to in regulation 3(A)(2)(a) of the Approval Regulations;

“model report” means a collection of data and information about a vehicle which is not a Schedule 1 vehicle that has been submitted by an applicant for the purposes of approval of other vehicles of the same model under regulation 4(1)(b)(b) of the Approval Regulations and which demonstrates to the satisfaction of the Department compliance with the relevant provisions of Schedule 3 to the Approval Regulations;

“original application” means an application made in accordance with regulation 5(1) to (3) of the Approval Regulations, not being a further application;

“passenger vehicle” means a motor vehicle to which the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(c) apply;

“same model” means, in relation to two or more vehicles, vehicles that are the same as each other in all the aspects of their technical specification relevant to the subject matter of Schedule 3 to the Approval Regulations; and

“Schedule 1 vehicle” has the same meaning as in Schedule 1 to the Approval Regulations.

(2) For the purposes of these Regulations, a vehicle is to be regarded as being manufactured on or after a particular date if it is first assembled on or after that date, even if it includes one or more parts which were manufactured before that date.

Application

3. These Regulations apply to every motor vehicle to which Part II of the Approval Regulations applies.

4.—(1) Subject to paragraph (2), the fee prescribed for the purposes of regulation 5(3)(b) of the Approval Regulations, in respect of an original application, is –

- (a) £200 in the case of any passenger vehicle which is a Schedule 1 vehicle;
- (b) £85 in the case of any goods vehicle which is a Schedule 1 vehicle;
- (c) £265 in the case of any passenger vehicle which is not a Schedule 1 vehicle but which is the subject of a model report;
- (d) £255 in the case of any passenger vehicle which is not a Schedule 1 vehicle and is not the subject of a model report;
- (e) £125 in the case of any goods vehicle which is not a Schedule 1 vehicle but which is the subject of a model report;
- (f) £115 in the case of any goods vehicle which is not a Schedule 1 vehicle and is not the subject of a model report;
- (g) £50 in the case of a goods vehicle which is of a type that has EC Type Approval but which does not have an EC certificate of conformity and where the Department is satisfied that the vehicle has been driven no more than 3000km since the date of manufacture; and
- (h) £50 in the case of any passenger vehicle which is of a type that has EC Type Approval but which does not have an EC certificate of conformity and where the Department is satisfied that the vehicle has been driven no more than 3000km since the date of manufacture.

(2) Where the condition specified in regulation 4(7)(c) of the Approval Regulations applies, the fee prescribed for the purposes of regulation 5(3)(b) of those Regulations is –

- (a) in the case of any Schedule 1 vehicle, £80;

(a) Regulation 3A was substituted by S.R. 2004 No. 30, regulation 3

(b) Regulation 4 was amended by S.R. 2004 No. 30, regulation 4

(c) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1987 No. 389, S.R. 1988 No. 405, S.R. 1990 No. 84, S.R. 1991 No. 408, S.R. 1992 Nos. 86 and 508, S.R. 1995 No. 38, S.R. 1996 No. 156, S.R. 1998 No. 363, S.R. 1999 No. 234 and S.R. 2001 No. 174

- (b) in the case of any vehicle which is not a Schedule 1 vehicle but which is the subject of a model report, £120; and
- (c) in the case of any vehicle which is not a Schedule 1 vehicle and which is not the subject of a model report, £110.

5.—(1) The fee prescribed for the purposes of regulation 5(7)(d) of the Approval Regulations, in respect of a further application, is –

- (a) £10 in the case of a goods vehicle which is of a type which has EC Type Approval but which does not have an EC certificate of conformity and where the Department is satisfied that the vehicle has been driven no more than 3000km since the date of manufacture;
- (b) £21 in the case of any other goods vehicle;
- (c) £10 in the case of any passenger vehicle which is of a type which has EC Type Approval but which does not have an EC certificate of conformity and where the Department is satisfied that the vehicle has been driven no more than 3000km since the date of manufacture; and
- (d) £45 in the case of any other passenger vehicle.

(2) Any fee which would otherwise be payable by virtue of regulation 5(7)(d) of the Approval Regulations, in respect of a further application, shall not be payable if, by agreement, the vehicle is submitted for examination at the place at which it was previously examined before the end of the fifth day following that examination on which the Department will accept vehicles for examination and –

- (a) the requirements of paragraph (3) are met in the case of any passenger vehicle; or
- (b) the requirements of paragraph (4) are met in the case of any goods vehicle.

(3) The requirements of this paragraph are that the further application must be due only to a failure to comply with –

- (a) the requirements of one or more items of the Table in Schedule 2 to the Approval Regulations in respect of which sufficient documentary evidence is produced to the Department before the examination to satisfy it as to compliance with those requirements; or
- (b) the requirement in item 11 of the Table in Schedule 3 to the Approval Regulations to display a child restraint warning label,

or any combination of sub-paragraphs (a) and (b).

(4) The requirements of this paragraph are that the further application must be due only to a failure to comply with the requirements of –

- (a) one or more items of the Table in Schedule 2 to the Approval Regulations in respect of which sufficient documentary evidence is produced to the Department before the examination to satisfy it as to compliance with the requirements of those items; or
- (b) item 25 of the Table in Schedule 2 to the Approval Regulations^(a).

Fees — general provisions

6. If the applicant –

- (a) has before the time appointed for the examination of a vehicle for the purposes of either an original application or a further application, given the Department notice of not less than one clear day that he does not propose to submit the vehicle for examination at that time; or
- (b) satisfies the Department that the vehicle cannot, or as the case may be, could not be submitted for examination at the time appointed because of exceptional circumstances occurring not more than 7 days before that time and of which the applicant gives notice to the Department (whether in writing or otherwise) within 3 days of the occurrence of those circumstances,

(a) Item 25 was added by S.R. 2004 No. 30, regulation 6(3)

then, unless another time is arranged for the examination, the application shall be treated as one in respect of which no fee is payable and any sum previously paid in respect of that application shall be repaid to the applicant.

Fees — replacement certificates

7. The fee prescribed for the purposes of regulation 9(2)(b) of the Approval Regulations is £10.

Provisions as to notices

8.—(1) Any notice given under these Regulations may be given by post.

(2) For the purposes of calculating the period of any notice given under these Regulations, no period of time shall include any day that is a Saturday, Sunday, or public holiday.

(3) For the purposes of this regulation, “public holiday” shall not include Good Friday and shall include Easter Tuesday.

Revocation and transitional arrangements

9.—(1) Subject to paragraph (2), the Motor Vehicles (Approval) (Fees) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”)(a) are hereby revoked.

(2) The 2001 Regulations shall continue to apply to applications made under the Approval Regulations before the date when these Regulations come into force for which a fee prescribed by the 2001 Regulations applies.

Sealed with the Official Seal of the Department of the Environment on 26th February 2004.

(L.S.)

Stanley Duncan

A senior officer of the Department of the Environment

(a) S.R. 2001 No. 170

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 (“the Approval Regulations”) as amended by the Motor Vehicles (Approval) (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 30) established a statutory system for approving the construction of single vehicles before they enter into service.

These Regulations revoke and replace the Motor Vehicles (Approval) (Fees) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 170). They prescribe the fees payable in connection with applications made in accordance with the Approval Regulations.

In particular, they introduce fees payable for the basic single vehicle approval (“SVA”) test in respect of goods vehicles and for the enhanced SVA test in respect of both goods vehicles and passenger vehicles.

The enhanced SVA test applies to passenger vehicles and light goods vehicles imported by a commercial importer and requires compliance with more demanding standards covering important safety, security (anti-theft) and environmental aspects of vehicle design and construction, such as emissions, noise, brakes and steering.

The Regulations also prescribe the fee payable in connection with applications made to test passenger vehicles and light goods vehicles that have been driven for no more than 3000km since their date of manufacture and which have EC type approval but which do not have an EC certificate of conformity. They also prescribe the fee payable for the replacement of a Department’s approval certificate which has been lost or defaced and make provision for the repayment of fees in certain circumstances.

For passenger vehicles the fees payable are as follows –

- (a) the basic SVA test first application is £200;
- (b) the basic SVA further application is £45;
- (c) the enhanced SVA supplement, where it applies, is –
 - (i) £65 in a case in which the vehicle is the subject of a model report, and
 - (ii) £55 in a case in which the vehicle is not the subject of a model report;
- (d) the enhanced SVA further application is £45;
- (e) the cost of a duplicate/replacement certificate is £10;
- (f) where the vehicle has EC type approval but does not have an EC certificate of conformity and has been driven no more than 3000km the fee is £50; and
- (g) where the vehicle has EC type approval but does not have an EC certificate of conformity and has been driven no more than 3000km the fee for a further application is £10.

For goods vehicles the fees payable are as follows –

- (a) the basic SVA test first application is £85;
- (b) the basic SVA test further application is £21;
- (c) the enhanced SVA supplement, where it applies, is –
 - (i) £40 in a case in which the vehicle is the subject of a model report, and
 - (ii) £30 in a case in which the vehicle is not the subject of a model report;
- (d) the enhanced SVA further application is £21;
- (e) the cost of a duplicate/replacement certificate is £10;
- (f) where the vehicle has EC type approval but does not have an EC certificate of conformity and has been driven no more than 3000km the fee is £50; and
- (g) where the vehicle has EC type approval but does not have an EC certificate of conformity and has been driven no more than 3000km the fee for a further application is £10.

For both passenger and goods vehicles the fee payable for a certificate issued following basic SVA inspection by another EEA State is £80, and for an enhanced test (where the basic SVA test has been conducted by another EEA State) the fee is –

- (a) £120 in a case where the vehicle is the subject of a model report; and
- (b) £110 in a case where the vehicle is not the subject of a model report.

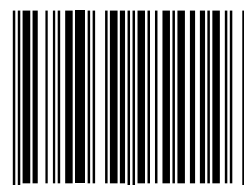
Copies of the Regulations referred to in these Regulations can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.

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