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STATUTORY INSTRUMENTS

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**1988 No. 1478**

**ROAD TRAFFIC**

**The Goods Vehicles (Plating and Testing) Regulations 1988**

*Made* - - - - 22nd August 1988  
*Laid before Parliament* 2nd September 1988  
23rd September  
*Coming into force* - - 1988

The Secretary of State for Transport, in exercise of the powers conferred by sections 45, 46(5) and 51(5) of the Road Traffic Act 1972(1), and now vested in him(2), and of all other enabling powers, and after consultation with representative organisations in accordance with section 199(2) of that Act, hereby makes the following Regulations:—

**PART I**  
**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Goods Vehicles (Plating and Testing) Regulations 1988 and shall come into force on 23rd September 1988.

**Revocation**

2. The Regulations specified in Schedule 4 are hereby revoked.

**Interpretation**

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the 1971 Act” means the Vehicles (Excise) Act 1971(3);

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(1) 1972 c. 20; section 45 was amended by the insertion of subsection 9A by the Passenger and Goods Vehicles (Recording Equipment) Regulations 1981 (S.I.1981/1692).  
(2) S.I. 1979/571 and 1981/238.  
(3) 1971 c. 10.

“the Construction and Use Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(4);

“the National Type Approval for Goods Vehicles Regulations” means the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982(5);

“agricultural motor vehicle”, “agricultural trailer”, “agricultural trailed appliance”, “agricultural trailed appliance conveyor”, “articulated vehicle”, “converter dolly”, “dual-purpose vehicle”, “engineering plant”, “Ministry plate”, “registered”, “semi-trailer”, “straddle carrier”, “track-laying”, “works trailer”, and “works truck” have the same meanings respectively as in the Construction and Use Regulations;

“the 1972 Act” means the Road Traffic Act 1972;

“appeal officer” means the person appointed by the Secretary of State for the purposes of appeals to the Secretary of State;

“area engineer” means the area mechanical engineer appointed by the Secretary of State for the purposes of appeals other than appeals to the Secretary of State;

“auxiliary station” means a vehicle testing station which is regularly not open for the carrying out of re-tests on certain normal working days;

“break-down vehicle” means a motor vehicle—

- (a) on which is permanently mounted apparatus designed for raising one disabled vehicle partly from the ground and for drawing that vehicle when so raised; and
- (b) which is not equipped to carry any load other than articles required for the operation of, or in connection with, that apparatus or for repairing disabled vehicles;

“examination” means any operation being—

- (a) a first examination;
- (b) a re-test;
- (c) a periodical test;
- (d) a re-examination under regulation 33; or
- (e) a re-examination on an appeal under regulation 25, 29 or 37;

“first examination”, in relation to a vehicle, means an examination being both an examination for plating and a first goods vehicle test;

“Goods Vehicle Centre” means the Goods Vehicle Centre at Welcombe House, 91—92 The Strand, Swansea, SA1 2DH.

“living van” means a vehicle whether mechanically propelled or not which is used as living accommodation by one or more persons, and which is also used for the carriage of goods or burden which are not needed by such one or more persons for the purpose of their residence in the vehicle;

“Ministry test date disc” means a plate issued by the Secretary of State for a goods vehicle being a trailer, following the issue of a goods vehicle test certificate for that trailer under these Regulations and containing—

- (a) the identification mark allotted to that trailer and shown in that certificate;
- (b) the date until which that certificate is valid; and
- (c) the number of the vehicle testing station shown in the said certificate;

“notifiable alteration”, in relation to a vehicle, means—

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(4) S.I. 1986/1078; relevant amending instruments are S.I. 1986/1597, 1987/676, 1133, 1988/271, 1178 and 1287.  
(5) S.I. 1982/1271, amending instruments are S.I. 1984/697 and 1402, 1985/46, 1986/427 and 1089 and 1987/1508.

- (a) an alteration made in the structure or fixed equipment of the vehicle which varies the carrying capacity or towing capacity of the vehicle;
- (b) an alteration, affecting any part of a braking system or the steering system with which the vehicle is equipped or of the means of operation of either of those systems; or
- (c) any other alteration made in the structure or fixed equipment of the vehicle which renders or is likely to render the vehicle unsafe to travel on roads at any weight equal to any plated weight shown in the plating certificate for that vehicle.

“periodical test”, in relation to a vehicle, means a goods vehicle test carried out under Part IV of these Regulations on a vehicle in respect of which a goods vehicle test certificate has been issued on a first examination of it or as a result of a re-test following that examination or as a result of an appeal under any provision in these Regulations;

“plated particulars” means those particulars which are required to be shown in a Ministry plate under Schedule 10 to the Construction and Use Regulations;

“plated weights” means such of the plated particulars related to gross weight, axle weight for each axle and train weight as are required to be shown in column (2) on the Ministry plate;

“play bus” means a motor vehicle which was originally constructed to carry more than 12 passengers but which has been adapted primarily for the carriage of play things for children (including articles required in connection with the use of those things);

“the prescribed construction and use requirements”, in relation to a vehicle, means those of the requirements specified in Schedule 3 which apply to the vehicle;

“re-test”, in relation to a vehicle, means an examination which is

- (a) an examination for plating and a goods vehicle test carried out on a vehicle under Part III of these Regulations subsequent to a first examination of that vehicle as a result of which a notice of refusal was issued; or
- (b) a goods vehicle test carried out on a vehicle under Part IV of these Regulations subsequent to a periodical test of that vehicle as a result of which a notice of refusal was issued;

“Secretary of State” means the Secretary of State for Transport;

“sender” means a person who informs the Secretary of State of a notifiable alteration under regulation 30;

“sold or supplied by retail”, in relation to a trailer, means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of resupply for a valuable consideration;

“the standard lists” means lists—

- (a) prepared by the Secretary of State after consultation with representative organisations of the motor manufacturing and road transport industries and other connected organisations and published by the Goods Vehicle Centre; and
- (b) showing, as respects goods vehicles of a make, model and type specified in the lists and complying in the case of motor vehicles with certain particulars relating to the engine, transmission, brakes and dimensions so specified and in the case of trailers with certain particulars relating to type of coupling, dimensions, brakes and tyres so specified (hereinafter referred to as “the constructional particulars”) the gross weight for, and the axle weight for each axle of, vehicles of that make, model and type and, in the case of motor vehicles, the train weight for vehicles of that make, model and type, the said weights being weights at or below which the Secretary of State considers vehicles of that make, model and type could safely be driven on roads having regard to— ii(i) the weights at which vehicles of that make, model and type were originally designed to operate; i(ii) in the case of motor vehicles, the requirements as to brakes of regulations 15, 16 and 18

of the Construction and Use Regulations; (iii) in the case of trailers, the requirements of regulations 15 and 16 of the Construction and Use Regulations and the provisions of Schedule 1 as respects braking force; and

“vehicle testing station” means a station provided by the Secretary of State under section 45(9) of the 1972 Act.

(2) Any reference in these Regulations to—

- (a) an examination for plating includes, in relation to a vehicle to which regulation 18 applies, an examination provided for in that regulation; and
- (b) a vehicle of a make, model and type shall in relation to a trailer, include a reference to a vehicle of a make and bearing a serial number.

(3) For the purpose of these Regulations, in counting the number of axles of a vehicle, where the centres of the areas of contact between all the wheels and the road surface can be included between any two vertical planes at right angles to the longitudinal axis of the vehicle less than 1.02 metres apart, those wheels shall be treated as constituting one axle.

(4) For the purpose of these Regulations, in determining when a trailer is first sold or supplied by retail the date of such first sale or supply by retail shall in the case of a trailer which is constructed with a chassis be taken to be the date on which the chassis (with or without a body mounted on it) is first sold or supplied by retail and in the case of any other trailer be taken to be the date the trailer is first sold or supplied by retail.

(5) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations;
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears;
- (c) a vehicle is a reference to a vehicle to which these Regulations apply.

### **Application**

4.—(1) Subject to paragraph (2), these Regulations apply to goods vehicles being—

- (a) heavy motor cars and motor cars constructed or adapted for the purpose of forming part of an articulated vehicle;
- (b) other heavy motor cars;
- (c) other motor cars, the weight of which unladen exceeds 1525 kilograms;
- (d) semi-trailers;
- (e) converter dollies of any unladen weight manufactured on or after 1st January 1979; or
- (f) trailers, not being converter dollies or semi-trailers, the unladen weight of which exceeds 1020 kilograms.

(2) Nothing in these Regulations applies to goods vehicles of any of the classes of vehicle specified in Schedule 2.

### **Prescribed requirements for tests**

5.—(1) Subject to these Regulations, every vehicle submitted for a goods vehicle test in accordance with these Regulations shall be examined for the purpose of ascertaining whether the prescribed construction and use requirements are complied with.

(2) For the purposes of these Regulations the applicability of any of the prescribed construction and use requirements to a vehicle is not affected by Item 5 in the Table in regulation 4(4) of the

Construction and Use Regulations (which exempts vehicles being used in the course of a goods vehicle test from certain construction and use requirements).

### **Supervision of tests**

6. Subject to these Regulations, every examination for plating and every goods vehicle test shall be carried out by or under the direction of a goods vehicle examiner.

### **Authority to drive and duties of driver**

7.—(1) The person who drove the vehicle to an examination shall, except so far as he is permitted to be absent by the person who is carrying out the examination, be present throughout the whole of the examination, and shall drive the vehicle and operate its controls when and in such a manner as he may be directed by the person who is carrying out the examination to do so.

(2) The person who is carrying out an examination is authorised to drive the vehicle on a road or elsewhere.

(3) A contravention of this regulation is hereby declared to be an offence.

### **Conditions of acceptance of vehicle.**

8.—(1) In this regulation, “examiner” means—

- (a) in relation to an examination other than one under section 45(3) or (4) of the 1972 Act, a goods vehicle examiner;
- (b) in relation to an examination under section 45(3) of the 1972 Act, the area engineer; and
- (c) in relation to an examination under section 45(4) of the 1972 Act, the appeal officer.

(2) An examiner shall not be under an obligation to accept a vehicle for examination or to proceed with an examination in any case where—

- (a) the vehicle is not submitted for examination at the time fixed under these Regulations for the examination;
- (b) the applicant for the examination does not, after being requested to do so, produce the notice of appointment (if any) relating to the examination and— i(i) in the case of a motor vehicle, either the registration document relating to the vehicle or other evidence of the date of its first registration or, in the case of a motor vehicle not registered before the date of the examination, evidence of the date of its manufacture; or (ii) in the case of a trailer, evidence of the date of its manufacture;
- (c) the fee in respect of that examination has not been paid and is not tendered in cash;
- (d) the particulars relating to the vehicle and shown in any application form relevant to that examination are found to be substantially incorrect;
- (e) the vehicle is one as respects which it has been stated in the application form that it is to be used on roads to draw a trailer and in the last notice of appointment preceding the examination it was required that the vehicle should be accompanied by a trailer which is to be so drawn, and the vehicle is not accompanied by such a trailer;
- (f) the vehicle is a trailer and is not accompanied by a motor vehicle suitable for drawing that trailer and capable of operating any braking system with which the trailer is equipped;
- (g) there is not permanently affixed to the chassis or main structure of the vehicle in a conspicuous and easily accessible position so as to be readily legible either—
  - (i) the chassis or serial number shown in the registration document relating to the vehicle; or

- (ii) if no such number is shown or exists, the identification mark allotted to the vehicle by the Secretary of State;
- (h) the vehicle, or any motor vehicle by which it is accompanied, 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 in accordance with these Regulations or of any directions given under section 45(8) of the 1972 Act, or the applicant for the examination does not produce any certificate required in the last notice of appointment preceding the examination, that a vehicle used for carrying toxic, corrosive or inflammable loads has been properly cleaned or otherwise made safe;
- (i) an examiner is not able to complete the examination without the vehicle or, in the case of a trailer the motor vehicle by which it is accompanied being driven and such vehicle or, as the case may be, accompanying vehicle is not provided with fuel and oil to enable it to be driven to such extent as may be necessary for the purpose of the examination;
- (j) an examiner is not able to complete the examination of a trailer unless the motor vehicle by which it is accompanied is driven on a road, and that motor vehicle cannot be so driven in compliance with section 8 of the 1971 Act because no licence under that Act is in force for such vehicle;
- (k) the vehicle or any trailer by which it is accompanied is not loaded or unloaded in the manner (if any) specified for the purposes of the examination either in the last notice of appointment preceding the examination or by the Secretary of State under these Regulations;
- (l) an examiner is not able to complete the examination due to the failure of a part of the vehicle, or of any vehicle by which it is drawn or intended to be drawn, which renders the vehicle, or any such accompanying vehicle incapable of being moved in safety under the power of the vehicle or, as the case may be, the accompanying vehicle;
- (m) on the submission of a vehicle for a periodical test, or a re-test following a periodical test the driver of the vehicle or, in the case of a trailer, the driver of the vehicle which accompanies it, does not produce to an examiner the last plating certificate (or a photocopy of it) and the last goods vehicle test certificate (or a photocopy of it) which have been issued in respect of the vehicle submitted; or
- (n) on the submission of a vehicle to which regulation 18 applies for a first examination, or for a re-test under regulation 15 following a first examination, the driver of the vehicle does not produce to the examiner the certificate mentioned in regulation 18(2).

## PART II

### TIMING AND METHOD OF APPLICATION FOR EXAMINATIONS

#### **Dates by which vehicles are to be submitted for first examinations**

9.—(1) Every motor vehicle shall be submitted for a first examination no later than the end of the calendar month in which falls the first anniversary of the date on which it was registered.

(2) Every trailer shall be submitted for a first examination not later than the end of the calendar month in which falls the first anniversary of the date on which it was first sold or supplied by retail.

(3) Paragraphs (1) and (2) shall not prevent the Secretary of State authorising the submission of a vehicle for a first examination after the date by which the vehicle is required by those paragraphs to be submitted for a first examination.

### Dates by which vehicles are to be submitted for periodical tests

**10.**—(1) Every vehicle shall, in each calendar year subsequent to the issue of a first goods vehicle test certificate, be submitted for a periodical test either—

- (a) not later than each anniversary of the date on which the vehicle was required under regulation 9 to be submitted for a first examination; or
- (b) if there is in force for the vehicle a goods vehicle test certificate with an expiry date other than that anniversary, not later than that expiry date.

(2) Paragraph (1) and regulation 11 shall not prevent the Secretary of State authorising a vehicle being submitted for a periodical test after the date by which the vehicle is required by those provisions to be submitted for a periodical test.

### Period of validity of goods vehicle test certificate

**11.**—(1) A goods vehicle test certificate issued as a result of a first examination, or a re-test following a first examination, or an appeal by a person aggrieved by a determination on a first examination or a re-test following a first examination, shall be valid from the date of its issue until the last day of the same month in the following year.

(2) A goods vehicle test certificate issued in the circumstances described in column (2) of an item in the Table below as a result of a periodical test, or a re-test following a periodical test, or an appeal by a person aggrieved by a determination on a periodical test or a re-test following a periodical test, shall be valid for the period described in column (3) of that item.

Table (regulation 11(2))

(1) Item	(2) Circumstances	(3) Period of validity
1.	Vehicle submitted for periodical test more than two months before the expiry date of the current test certificate.	From the date of issue of the certificate until the last day of the same month in the next following year.
2.	Vehicle submitted for periodical test two months or less before the expiry date of the current test certificate.	From the date of issue of the certificate until the last day of the month in which falls the first anniversary of that expiry date.
3.	Vehicle submitted for periodical test after the expiry date of the most recent test certificate for the vehicle (except in the circumstances described in column (2) of item 4).	From the date of issue of the certificate until the last day of the month in which falls the first anniversary of that expiry date save that, if this would result in a period of validity of two months or less, the certificate shall be valid from the date of issue until the last day of the month in which falls the second anniversary of the expiry date.
4.	Motor vehicle submitted for periodical test after the expiry	From the date of issue of the certificate until the last day

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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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(1) Item	(2) Circumstances	(3) Period of validity
	date of the most recent test certificate for the vehicle and after the most recent licence for the vehicle under the 1971 Act has expired or been surrendered.	of the same month in the next following year.

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(3) In this regulation any reference to a period ending on a day includes that day.

### **Manner of making application for first examinations or periodical tests, and fees**

**12.**—(1) Any person wishing to have a first examination or periodical test carried out on a vehicle shall make an application for that purpose either—

- (a) to the Secretary of State at the Goods Vehicle Centre, or
- (b) in the case of a trailer, to a vehicle testing station if the applicant has obtained in advance the written consent of the Secretary of State (at the Goods Vehicle Centre) to that method of application.

(2) Any consent given by the Secretary of State in relation to an application mentioned in paragraph (1)(b) may provide for the marking of, and the load to be carried by, each trailer covered by such consent at its examination.

(3) Every application made under paragraph (1) shall be on a form approved by the Secretary of State, and shall contain the particulars required by that form and shall be accompanied by a fee of £25.25 in the case of a motor vehicle and of £14 in the case of a trailer.

### **Time of application for first examinations and periodical tests**

**13.**—(1) Except as provided in paragraph (2), every application for a first examination or periodical test of a vehicle shall be made—

- (a) at least one calendar month before the date on which the applicant desires to submit the vehicle for the examination or test, and
- (b) not more than three calendar months before the last day by which the vehicle is required by these Regulations to be submitted for the examination or test.

(2) If the Secretary of State is satisfied that there are reasonable grounds for an application for a first examination or periodical test of a vehicle not being made within the period specified in paragraph (1) he may permit the application to be accepted and dealt with as if it had been made within that period.

### **Notice of place and time of first examinations or periodical tests**

**14.**—(1) As soon as reasonably practicable after the date of the receipt of an application for a first examination or periodical test of a vehicle under regulation 12(1)(a) the Secretary of State shall send to the applicant notice of the vehicle testing station at which the examination or test is to take place, and the date and time reserved by the Secretary of State for that examination.

(2) On receipt of an application under regulation 12(1)(b) the person in charge of the vehicle testing station shall send to the applicant notice of the date and time at which the examination or test will be carried out.



### **Application for re-tests following first examinations or periodical tests**

**15.**—(1) Where, under regulation 23(1) or 26, a notification of the refusal of a goods vehicle test certificate in respect of a vehicle is issued the vehicle may be submitted, if need be on more than one occasion, at a vehicle testing station for a re-test in accordance with the following provisions of this regulation.

(2) Where an applicant desires to submit a vehicle for a re-test, within 14 days after the date on which it was submitted for its first examination or periodical test, at the vehicle testing station at which its first examination or periodical test was carried out or, where that station was an auxiliary station, at that or another testing station, such applicant shall make arrangements as to the date and time at which the vehicle is to be submitted for the re-test with the person in charge of the station at which the vehicle is to be submitted.

(3) Where an applicant desires to submit a vehicle for a further re-test, within 14 days after the date on which it was submitted for a re-test in accordance with the provisions of paragraph (4), at the vehicle testing station at which such re-test was carried out or, where that station was an auxiliary station, at that or another testing station, such applicant shall make arrangements as to the date and time at which the vehicle is to be submitted for the further re-test with the person in charge of the station at which the vehicle is to be submitted.

(4) Where an applicant desires to submit a vehicle for a re-test in circumstances other than those to which paragraph (2) or (3) applies, he shall apply in writing to the person in charge of such vehicle testing station as he shall select for a date and time at which the vehicle may be submitted for the re-test, and every such application shall be made not later than 7 days before the date on which the re-test is required on a form approved by the Secretary of State and shall contain the particulars required by that form, and upon receipt of the application the Secretary of State shall send to the applicant a notice stating when the re-test is to take place.

### **Fees for re-tests**

**16.**—(1) Save as provided in paragraph (3), the fee for a re-test of a vehicle carried out under regulation 15(2) or (3) is £13 in the case of a motor vehicle and £7.50 in the case of a trailer and such fee shall be paid to the Secretary of State on the submission of the vehicle for the re-test and may be paid in cash.

(2) The fee for a re-test of a vehicle carried out under regulation 15(4) is £25.25 in the case of a motor vehicle and £14 in the case of a trailer, and such fee shall be paid to the Secretary of State at the same time as the application for the re-test under regulation 15(4) is made.

(3) The fee prescribed in paragraph (1) shall not be payable if—

- (a) the vehicle is submitted for a re-test on the same day as the day on which the first examination or periodical test, as the case may be, was carried out, or the next following day on which the vehicle testing station at which arrangements have been made to carry out the re-test is open;
- (b) the fee for the first examination, periodical test or last preceding re-test, as the case may be, has been paid; and
- (c) the re-test is due only to one or more defects in the vehicle as a result of which any of the following prescribed construction and use requirements are not complied with, namely those contained in—
  - (i) the following items in paragraphs 1 and 2 of Schedule 3, namely 8, 9, 11, 12, 14, 15, 18 (so far as the regulation there mentioned relates to the emission of an oily substance), 20, 21 (so far as that item relates to the spare wheel carrier, fuel tanks and system, bumpers and the cab), 22 to 33 and 36 to 41; and
  - (ii) paragraph 3 in Schedule 3.

## PART III

### REGULATIONS GOVERNING FIRST EXAMINATIONS

#### Examination for plating

**17.**—(1) In a case where a vehicle is submitted for an examination for plating, a goods vehicle examiner shall cause the vehicle to be examined for the purpose of determining whether—

- (a) the vehicle is of a make, model and type to which the standard lists apply;
  - (b) the constructional particulars relating to that make, model and type are substantially complied with by the vehicle; and
  - (c) the weights shown in the standard lists are applicable to the vehicle.
- (2) For the purpose mentioned in paragraph (1) the goods vehicle examiner shall have regard to—
- (a) the particulars as respects the vehicle shown in the application mentioned in regulation 12 relating to the vehicle; and
  - (b) any information which may have been supplied by the Secretary of State subsequent to the publication of the standard lists as to the applicability of any of the weights shown in those lists.

**18.**—(1) This regulation applies to every vehicle to which these Regulations apply and for which there has been issued a certificate of conformity or a Minister's approval certificate as required under the National Type Approval for Goods Vehicles Regulations.

(2) On the submission for a first examination under these Regulations of a vehicle to which this regulation applies, the driver of the vehicle shall produce to the examiner the certificate or a substitute, issued by the Secretary of State, for it which, by virtue of section 48(5) of the 1972 Act, is treated as the plating certificate of the vehicle.

- (3) The examiner shall examine a vehicle so submitted to ascertain whether or not—
- (a) the particulars on the certificate or substitute mentioned in paragraph (2) are appropriate for the vehicle having regard to the standard lists and the condition of the vehicle; and
  - (b) the vehicle has been subject to any notifiable alteration which has not been notified.
- (4) In the case of a vehicle where the examiner is satisfied that—
- (a) no notifiable alteration which has not been notified has occurred; and
  - (b) the particulars on the certificate or substitute mentioned in paragraph (2) are appropriate as mentioned in paragraph (3),

the certificate or substitute shall be deemed to have been issued as a result of the examination under the above paragraphs of this regulation as well as in consequence of the certificate of conformity or Minister's approval certificate.

- (5) In the case of a vehicle where the examiner is not satisfied as mentioned in paragraph (4)—
- (a) the vehicle shall be subject to a first examination as if no certificate of conformity or Minister's approval certificate had been issued in respect of it;
  - (b) if any notifiable alteration has been made but not reported to the Secretary of State in accordance with regulation 30 the fee prescribed by regulation 34 shall be paid before the said first examination is started; and
  - (c) any certificate or substitute mentioned in paragraph (2) issued before the vehicle was submitted for its first examination shall, as from the date of submission, be of no effect.

**19.** In the event of a goods vehicle examiner determining that the vehicle (not being a vehicle to which regulation 18(4) applies) submitted for an examination for plating is of a make, model and type or otherwise one to which the weights shown in the standard lists apply there shall be determined—

- (a) as the plated weights of the vehicle, weights relating to the gross weight and axle weight for each axle being the equivalent weights shown as the design weights in the standard lists for vehicles of that make, model and type: Provided that if the use on roads of the vehicle at any such equivalent weight would contravene any of the provisions of regulation 25, 75, 78 or 79 of the Construction and Use Regulations, then any such equivalent weight shall for the purpose of determination of a plated weight under this regulation be reduced to such extent as is necessary to avoid such contravention;
- (b) if the vehicle is a motor vehicle, as its plated weight relating to train weight, the equivalent weight shown as a design weight in the standard lists for vehicles of that make, model and type:

Provided that if any such equivalent weight exceeds the maximum weight at which the vehicle can lawfully be used on a road in Great Britain by virtue of the Construction and Use Regulations, then such equivalent weight shall be reduced to that maximum weight.

**20.** In the event of a goods vehicle examiner determining that the vehicle submitted for an examination for plating is not of a make, model and type or otherwise one to which the weights shown in the standard lists apply he shall determine the plated weights of the vehicle having regard—

- (a) to any information which may have been supplied by the Secretary of State as to the plated weights which have been determined for similar vehicles under these Regulations;
- (b) to the design, construction and equipment of the vehicle, and the stresses to which it is likely to be subject when in use on roads;
- (c) to any information which may be available about the weights at which the vehicle was originally designed to be driven on roads;
- (d) if the vehicle or its equipment has, or appears to have, been altered since the date of its manufacture, to the likely effect of any such alteration in making the vehicle fit to be driven safely on roads at weights different from those at which it appears to the examiner the vehicle was originally designed to be so driven;
- (e) if the vehicle is a motor vehicle, to the requirements as to brakes specified in the definition of “the standard lists” in regulation 3(1);
- (f) if the vehicle is a trailer, to—
  - (i) the requirements of regulations 15 and 16 of the Construction and Use Regulations; and
  - (ii) the provisions of Schedule 1; and
- (g) to the need to comply with regulations 25, 75, 78 and 79 of the Construction and Use Regulations, and with the requirement that no plated weight relating to the train weight of a motor vehicle shall exceed the maximum train weight at which the vehicle can lawfully be used on a road in Great Britain by virtue of the Construction and Use Regulations.

#### **Issue of plating certificates, and particulars to be contained therein**

**21.—**(1) Save as provided in paragraph (2), after the determination of the plated weights of a vehicle submitted for an examination for plating there shall, unless there is a refusal to issue a goods vehicle test certificate in respect of that vehicle, be issued a plating certificate in respect of that vehicle.

- (2) Paragraph (1) does not apply in a case to which regulation 18(4) applies.
- (3) Every plating certificate issued in relation to a vehicle shall—

- (a) be signed either by the goods vehicle examiner who carried out, or under whose direction the examination for plating was carried out, or by a person authorised in that behalf by the Secretary of State; and
- (b) contain—
  - (i) the date on which it was issued;
  - (ii) the number allotted by the Secretary of State to the vehicle testing station at which it was issued or the letters GVC if it was issued at the Goods Vehicle Centre;
  - (iii) the plated weights determined for that vehicle under regulation 19, 20 or 24;
  - (iv) where any such plated weight determined under regulation 19 is less than the equivalent weight shown as a design weight in the standard lists, that equivalent weight;
  - (v) where any such plated weight determined under regulation 20 is less than the weight which would have been determined but for paragraph (g) of that regulation the weight which would have been determined but for that paragraph shall be shown as a design weight;
  - (vi) the other plated particulars ascertained from the application mentioned in regulation 12 and an inspection of the vehicle;
  - (vii) any alteration in the vehicle or its equipment which is required by these Regulations to be notified to the Secretary of State; and
  - (viii) the sizes of the tyres fitted to the wheels of the vehicle at the time of the issue of the certificate, and the particular conditions, if any, in which a vehicle should be used on roads at or below its plated weights when fitted with those tyres properly maintained.
- (4) A plating certificate issued in relation to a vehicle under the provisions of these Regulations may contain (in addition to the particulars mentioned in paragraph (3))—
  - (a) the DOE (Department of the Environment) or DTp (Department of Transport) reference number for the particular type of vehicle, and
  - (b) the maximum authorised weights and dimensions in accordance with article 2 of Council Directive [85/3/EEC](#)(6).

### **Goods vehicle test**

22. After there has been carried out on a vehicle either an examination for plating or an examination as mentioned in regulation 18(3) a goods vehicle examiner shall arrange for the vehicle to undergo a goods vehicle test.

### **Issue of goods vehicle test certificates (or of notices of refusal) and particulars to be contained therein**

23.—(1) Where as a result of a goods vehicle test a vehicle is found not to comply with the prescribed construction and use requirements there shall be issued a notice of the refusal of a goods vehicle test certificate, and such notice shall state the grounds of such refusal.

(2) Where as a result of a goods vehicle test a vehicle is found to comply with the prescribed construction and use requirements a goods vehicle test certificate shall be issued as respects that vehicle and such certificate shall state the period of the validity of the certificate and that the vehicle was found to comply with the prescribed construction and use requirements.

(3) Every notice issued under paragraph (1) and every certificate issued under paragraph (2) shall—

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(6) O.J. No. L2, 3.1.1985, p.14.

- (a) be signed by either the goods vehicle examiner who carried out, or under whose direction the goods vehicle test was carried out, or by a person authorised in that behalf by the Secretary of State; and
- (b) contain—
  - (i) the date on which it was issued;
  - (ii) the number allotted by the Secretary of State to the vehicle testing station at which it was issued;
  - (iii) in the case of a certificate or notice issued for a motor vehicle, the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chassis or serial number marked on the vehicle or, if no such number is so marked, the identification mark which shall have been allotted to the vehicle by the Secretary of State in the notice of appointment relating to the first examination of the vehicle; and
  - (iv) in the case of a certificate or notice issued for a trailer, the identification mark which shall have been allotted to the trailer by the Secretary of State in the notice of appointment (if any) relating to the first examination of the trailer or shall have otherwise been allotted to the trailer by the Secretary of State under these Regulations.

**Re-test procedure, and issue of plating and test certificates (or notices of refusal)**

24.—(1) Where on a first examination of a vehicle no plating certificate has been issued in respect of that vehicle and it is submitted for a re-test under regulation 15 a goods vehicle examiner shall determine as the plated weights of the vehicle—

- (a) if after examination of the vehicle he is satisfied that no alteration has been made to the vehicle or its equipment which would render inapplicable the plated weights determined for the vehicle on its first examination, the weights so determined; or
- (b) if he is not so satisfied, weights consistent with regulation 19 or, as the case may be, regulation 20.

(2) A goods vehicle examiner in carrying out an examination pursuant to regulation 15(2) and (3) shall be under an obligation only to examine the vehicle for the purpose of ascertaining whether it complies with the particular items of the prescribed construction and use requirements with which it was shown in the last notice of a refusal of a test certificate not to comply.

(3) Where a goods vehicle examiner finds that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in paragraph (2) and has no reason to believe that the other prescribed construction and use requirements are not complied with in relation to the vehicle, there shall be issued a goods vehicle test certificate and also a plating certificate for the vehicle.

(4) Where a goods vehicle examiner finds that the vehicle does not comply with the particular items of the prescribed construction and use requirements mentioned in paragraph (2) or that any other prescribed construction and use requirement is not complied with in relation to the vehicle, there shall be issued a notice of the refusal of a goods vehicle test certificate and in that event no plating certificate shall be issued for the vehicle.

(5) On completion of an examination of a vehicle pursuant to regulation 15(4) a goods vehicle examiner shall arrange for the vehicle to undergo a goods vehicle test, and when that test has been completed there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate and also a plating certificate for that vehicle; or

- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notice of the refusal of a goods vehicle test certificate, and in that event no plating certificate shall be issued for the vehicle.

## Appeals

**25.—**(1) Any person aggrieved by a determination made on a first examination, or on a consequent re-test of a vehicle, may appeal to the area engineer for the traffic area in which that determination was made, and any person aggrieved by the determination of the area engineer under this regulation may appeal to the Secretary of State.

(2) Any appeal to the area engineer shall be lodged at the office of the relevant traffic area not later than 10 days from the date of the determination, and any appeal to the Secretary of State shall be lodged at the Goods Vehicle Centre, not later than 14 days from the date of the determination.

(3) Every appeal shall be made on a form approved by the Secretary of State and shall contain the particulars required by that form.

(4) An appeal to the area engineer shall be accompanied by a fee of £15 and an appeal to the Secretary of State shall be accompanied by a fee of £25.

(5) As soon as reasonably practicable after the date of the receipt of the appeal, the area engineer or, as the case may be, the appeal officer shall send a notice, addressed to the appellant at the address of the appellant stated in the form of appeal, stating where and when a re-examination for the purpose of determining the issues raised on the appeal is to take place.

(6) The place to be selected by the area engineer or, as the case may be, the appeal officer, for the re-examination for the purposes of the appeal may be either a vehicle testing station or such other place as he may consider convenient for the purposes of carrying out that re-examination.

(7) The vehicle shall be submitted for the re-examination (which will be carried out by the area engineer or, as the case may be, the appeal officer) at the place and time specified in the notice sent to the appellant under paragraph (5) unless arrangements are made with the agreement of the area engineer or, as the case may be, the appeal officer, for the carrying out of the examination at some other place or time.

(8) On the submission of a vehicle for a re-examination for the purpose of an appeal the person submitting the vehicle for the re-examination shall, if requested to do so by the area engineer or the appeal officer,

(a) produce—

- (i) if the appeal relates to a determination made on an examination for plating, or on a re-examination by an area engineer, and as a result of which a plating certificate was issued, that certificate; or
- (ii) if the appeal relates to a determination made on a goods vehicle test, or on a re-examination by an area engineer, the notice of refusal of a goods vehicle test certificate issued as a result of that test or re-examination; and

(b) give such information as may reasonably be required relating to any alteration made or repairs carried out, or any accident or other event occurring since the date of the determination appealed against, which may have affected the vehicle or its equipment.

(9) The area engineer or, as the case may be, the appeal officer shall not be required to proceed with the re-examination unless the person submitting the vehicle for the re-examination complies with paragraph (8) and nothing in this paragraph shall be taken to derogate from regulation 8.

(10) On completion of the re-examination the area engineer or, as the case may be, the Secretary of State shall make such determination as he thinks fit, and may—

- (a) where the appeal relates to a determination made on or in connection with an examination for plating as respects which a plating certificate was issued, either determine that such certificate was properly issued or issue a different plating certificate upon surrender of the first mentioned certificate; or
  - (b) where the appeal relates to a determination made on a goods vehicle test, or by an area engineer in connection with a notice of refusal of a goods vehicle test certificate, issue either a goods vehicle test certificate and plating certificate for the vehicle or a notice of refusal of a goods vehicle test certificate stating the grounds thereof and in that event no plating certificate shall be issued for the vehicle.
- (11) Plating certificates, goods vehicle test certificates and notices of refusal of a goods vehicle test certificate issued under the foregoing provisions of this regulation shall be signed by the area engineer or, as the case may be, the appeal officer and shall contain—
- (a) the same particulars as are appropriate in the case of plating certificates, goods vehicle test certificates and notices of refusal of a goods vehicle test certificate mentioned in regulation 21 or 23, subject nevertheless to such modifications as may be appropriate and subject in the case of a plating certificate to that certificate showing particulars of the plated weights determined for that vehicle by the area engineer or by the Secretary of State;
  - (b) in the case of a plating certificate—
    - (i) where the vehicle is one of a make, model and type and otherwise one to which the standard lists apply and any plated weight so determined is less than the equivalent weight shown as a design weight in such lists, particulars of that equivalent weight; and
    - (ii) where any plated weight so determined is less than the weight that would have been otherwise determined under regulation 20 but for paragraph (g) of that regulation, particulars of the last mentioned weight (which shall be shown as a design weight).

## PART IV

### REGULATIONS GOVERNING PERIODICAL TESTS

#### **Periodical tests, and issue of test certificates (or notices of refusal)**

**26.** On the submission of a vehicle for a periodical test a goods vehicle examiner shall arrange for a vehicle to undergo that test, and when that test has been completed there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate; or
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notice of the refusal of a goods vehicle test certificate.

#### **Re-test procedure, and issue of test certificates (or notices of refusal)**

**27.—(1)** Where a vehicle is submitted for a re-test at a vehicle testing station under regulation 15(2) or (3), a goods vehicle examiner shall in carrying out the test be under an obligation only to examine the vehicle for the purpose of ascertaining whether it complies with the particular items of the prescribed construction and use requirements with which it was shown in the last notice of a refusal of a test certificate not to comply.

(2) Where a goods vehicle examiner finds that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in paragraph (1) and has no reason to

believe that the other prescribed construction and use requirements are not complied with in relation to the vehicle, there shall be issued a goods vehicle test certificate.

(3) Where a goods vehicle examiner does not find that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in paragraph (1) or finds that any other prescribed construction and use requirement is not complied with in relation to the vehicle, there shall be issued a notice of the refusal of a test certificate.

(4) Where a vehicle is submitted for a re-test at a vehicle testing station under regulation 15(4), a goods vehicle examiner shall arrange for the vehicle to undergo a goods vehicle test, and when that test has been completed there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate;
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notice of the refusal of a goods vehicle test certificate.

#### **Form of test certificates and notices of refusal**

**28.** Goods vehicle test certificates and notices of the refusal of a goods vehicle test certificate issued under regulation 24, 26 or 27 shall contain the same particulars as are appropriate in the case of goods vehicle test certificates and notices of the refusal of a goods vehicle test certificate mentioned in regulation 23 and shall be signed in the same manner as is provided in regulation 23.

#### **Appeals**

**29.**—(1) Any person aggrieved by a determination made on a periodical test of a vehicle, or on a consequent re-test of a vehicle, by the person in charge of that test may appeal to the area engineer for the traffic area in which that determination was made, and any person aggrieved by the determination of the area engineer under this regulation may appeal to the Secretary of State.

(2) Paragraphs (2) to (11) of regulation 25 apply in relation to any appeal under paragraph (1) as they apply in relation to an appeal under regulation 25 relating to a determination made on a goods vehicle test, but for the purposes of such application each reference in regulation 25 to a plating certificate shall be treated as being omitted.

## **PART V**

### **REGULATIONS GOVERNING NOTIFIABLE ALTERATIONS, AMENDMENTS OF PLATING CERTIFICATES AND RE-EXAMINATIONS IN CONNECTION THEREWITH**

#### **Secretary of State to be informed of notifiable alterations**

**30.** In the event of a notifiable alteration being made to a vehicle in respect of which a plating certificate has been issued, and before the vehicle to which the alteration has been made is used on roads, particulars of that alteration on a form approved by the Secretary of State shall be sent to him at the Goods Vehicle Centre, and any such form may contain a request by the sender for an amendment to be made as respects a plated weight shown on the plating certificate for the vehicle.

**31.** In this Part of these Regulations, any reference to the re-examination of a vehicle shall, as regards a vehicle for which there has been issued a certificate of conformity or a Minister's approval certificate and which has not been submitted for an examination as provided in regulation 18, be construed as a reference to an examination of the vehicle.



### **Other amendments to the plating certificate**

**32.** Where, otherwise than by reason of a notifiable alteration, any particular (with reference to a plated weight or any other matter) contained in a plating certificate for a vehicle becomes or may have become no longer applicable to that vehicle, an application on a form approved by the Secretary of State may be sent to him at the Goods Vehicle Centre, for the purpose of having the vehicle re-examined with a view to that particular being amended.

### **Provision as to re-examination**

**33.—**(1) Where, under regulation 30, particulars of a notifiable alteration are sent to the Secretary of State and the form contains a request as provided in that regulation the Secretary of State shall by notice to the sender require him to submit the vehicle for re-examination.

(2) Where, under regulation 30, particulars of a notifiable alteration are sent to the Secretary of State and the form does not contain a request as provided in that regulation the Secretary of State shall determine whether to require a re-examination of the vehicle. If the Secretary of State determines that no re-examination is required he shall by notice inform the sender accordingly, and if the Secretary of State determines that a re-examination is required he shall by notice require the sender to submit the vehicle for re-examination.

(3) Where, under regulation 32, an application to have a vehicle re-examined is received by the Secretary of State he shall by notice require the sender to submit the vehicle for re-examination.

(4) Any notice by which the Secretary of State requires a vehicle to be submitted for re-examination under paragraph (1), (2) or (3) shall specify the vehicle testing station, date and time appointed by the Secretary of State for that re-examination.

### **Fee for re-examination**

**34.** Where such a request as is mentioned in regulation 30 is contained in the form mentioned in that regulation or where an application mentioned in regulation 32 is made, a fee of £10.50 shall be sent to the Secretary of State with that form or, as the case may be, with that application.

### **Condition of acceptance of vehicle**

**35.** A goods vehicle examiner shall not be under an obligation to proceed with a re-examination of a vehicle under this Part of these Regulations where on the submission of a vehicle for the re-examination the sender does not, after being required to do so, produce to the examiner the plating certificate relating to the vehicle, and nothing in this paragraph shall be taken to derogate regulation 8.

### **Re-examination procedure, and issue or amendment of plating certificates (or notices of refusal)**

**36.—**(1) Where a vehicle is submitted for a re-examination under this Part of these Regulations a goods vehicle examiner shall—

- (a) in a case where the re-examination is carried out by reason of a notifiable alteration examine the vehicle for the purpose of determining to what extent that notifiable alteration has rendered the plated weights shown in the plating certificate relating to that vehicle no longer appropriate; or
- (b) in any other case examine the vehicle for the purpose of determining to what extent any particular contained in the said plating certificate is no longer applicable.

(2) On completion of the re-examination the goods vehicle examiner shall either—

- (a) by notice inform the sender that—

- (i) the notifiable alteration has not rendered any of the plated weights shown in the plating certificate no longer appropriate;
  - (ii) the particular is still applicable; or
  - (b) amend the plating certificate to show any new plated weights or any new particulars which the examiner has determined for the vehicle; or
  - (c) issue a new plating certificate in place of the certificate required to be produced under regulation 35 and mark as cancelled the certificate so produced.
- (3) Any goods vehicle examiner amending or cancelling a plating certificate shall authenticate the amendment or cancellation by showing on the certificate or on a document securely attached to it his name, the address of the place at which the examination as a result of which the amendment or cancellation occurs, and the date on which the amendment or cancellation takes effect.
- (4) Where a new plating certificate is issued for a vehicle it shall contain—
- (a) particulars of any plated weights determined for the vehicle under this regulation;
  - (b) where the vehicle is one of a make, model and type and otherwise one to which the standard lists apply and any such plated weight so determined is less than the equivalent weight shown as a design weight in such lists, particulars of that equivalent weight;
  - (c) where any such plated weight so determined is less than the weight that would have been otherwise determined under regulation 20 but for paragraph (g) of that regulation, particulars of the last mentioned weight which shall be shown as a design weight;
  - (d) any other new particular determined for the vehicle under this regulation; and
  - (e) subject to sub-paragraphs (a) to (d) above, the same particulars as are appropriate in the case of the plating certificate mentioned in regulation 21.
- (5) A new plating certificate shall be signed by the goods vehicle examiner who carried out, or under whose direction the re-examination was carried out, or shall be signed on behalf of that examiner by a person authorised in that behalf by the Secretary of State.

## Appeals

37.—(1) Any person aggrieved by a determination made on a re-examination of a vehicle under this Part of these Regulations may appeal to the area engineer for the traffic area in which that determination was made, and any person aggrieved by the determination of the area engineer under this regulation may appeal to the Secretary of State.

(2) Paragraphs (2) to (9) of regulation 25 shall apply in relation to an appeal under paragraph (1) as they apply to an appeal under regulation 25, but for the purposes of such application paragraph (8) of that regulation shall have effect as if the references therein to a plating certificate were references to any plating certificate relevant to the appeal under this regulation.

(3) On completion of the re-examination of the vehicle for the purpose of the appeal, the area engineer or, as the case may be, the Secretary of State, shall make such determination in the matter as he thinks fit and may issue a different plating certificate upon the surrender of any plating certificate previously issued for the vehicle.

- (4) Any different plating certificate issued under paragraph (3) shall—
- (a) be signed by the area engineer who carried out the re-examination or, as the case may be, on behalf of the Secretary of State by an officer appointed by him for the purpose; and
  - (b) contain—
    - (i) the same particulars as are appropriate in the case of a plating certificate issued under regulation 21 subject to such modifications as may be appropriate and subject to the certificate showing particulars of the plated weights determined for that vehicle by

the area engineer who carried out the re-examination or, as the case may be, by the Secretary of State in a case where such plated weight is so determined;

- (ii) where the vehicle is one of a make, model and type and otherwise one to which the standard lists apply and any such plated weight so determined is less than the equivalent weight shown as a design weight in such lists, particulars of that equivalent weight; and
- (iii) where any such plated weight so determined is less than the weight that would have been otherwise determined under regulation 20 but for paragraph (g) of that regulation, particulars of the last mentioned weight which shall be shown as a design weight.

## PART VI

### MISCELLANEOUS MATTERS

#### **Method of payment of fees**

**38.** Except where by these Regulations provision is made for fees to be payable in cash, all fees payable to the Secretary of State under these Regulations shall be paid by cheque, girocheque or postal order but receipt of the instrument shall not be treated as payment.

#### **General provisions as to fees**

**39.**—(1) In this regulation “exceptional circumstances” means an accident, a fire, an epidemic, severe weather, 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 therefor).

(2) Where any fee under these Regulations in respect of an examination has been paid that fee shall, subject to paragraph (3), be payable notwithstanding that the vehicle is not submitted for an examination on the day and at the time fixed under these Regulations for that examination and notwithstanding that the examination is not carried out by reason of any provision of regulation 8.

(3) If the applicant for an examination—

- (a) has not less than 7 days before the day fixed under these Regulations for the carrying out of the examination given the Secretary of State notice (whether in writing or otherwise) at the vehicle testing station at which the examination has been arranged that he does not propose to submit the vehicle for examination on that day; or
- (b) satisfies the Secretary of State that the vehicle cannot, or as the case may be, could not be submitted for the examination on the day or at the time fixed for the examination because of exceptional circumstances occurring not more than 7 days before the said time and of which the applicant gives notice to the Secretary of State (whether in writing or otherwise) within 3 days of the occurrence of those circumstances,

then the applicant may either—

- (i) make an application in writing to the Secretary of State at the vehicle testing station at which the examination has been arranged either at the time of the notice given under paragraph (3)(a) or (b) or within 28 days of the date thereof, for another examination of the same kind for that vehicle or another vehicle to be carried out within three months of the date of the application, and in that event the said fee shall be treated as having been paid in respect of that application unless the fee in respect of that application is greater, in which case the fee already paid shall be treated as having been paid towards the fee payable in respect of that application; or

- (ii) give notice to the Secretary of State at the place mentioned in sub-paragraph (i) above and at the time of the notice given under paragraph (3)(a) or (b) or within 28 days of the date thereof, that no other examination of the same kind is required for that vehicle or another vehicle, and in that event the said fee, less a sum of £1.50 for administrative expenses, shall be refunded to the applicant.

### **Provisions as to fees on appeal**

**40.**—(1) After the completion of a re-examination for the purposes of an appeal under section 45(3) or (4) of the 1972 Act the Secretary of State may repay to the appellant, as he thinks fit, either the whole or part of the fee paid on the appeal, where it appears to him there were substantial grounds for contesting the whole or part of the determination against which the appeal was made.

(2) A fee payable on an appeal in accordance with these Regulations shall be payable notwithstanding that the vehicle is not submitted for re-examination in accordance with regulation 25(8) or in accordance with that regulation as applied by any other regulation contained in these Regulations:

Provided that, if the appellant has before the time fixed under regulation 25, or under that regulation as so applied, for the carrying out of the re-examination given the Secretary of State not less than two clear days' notice (whether in writing or otherwise) at the office at which his appeal was lodged that the appellant does not propose to submit the vehicle for re-examination at that time, the appeal shall be treated for the purposes of this regulation as one in respect of which no fee is payable and any amount previously paid in respect of such a fee shall be repaid by the Secretary of State to the appellant unless another time is arranged for carrying out of the re-examination.

### **Replacements of plates and certificates**

**41.**—(1) If a Ministry plate, a plating certificate (whether issued under these Regulations or being treated as a plating certificate by virtue of section 48(5) of the 1972 Act), a goods vehicle test certificate or a Ministry test date disc has been lost or defaced, an application for the issue of a replacement for the plate, certificate or disc lost or defaced may be made in writing to the Goods Vehicle Centre, and every such application shall be accompanied by the payment of the fee of £7.50.

(2) On the receipt of an application and fee mentioned in paragraph (1) the Secretary of State shall determine whether the vehicle shall be re-examined, and if he determines—

- (a) that no re-examination of the vehicle is required he shall issue to the applicant a replacement for the plate, certificate or disc to which the application relates and any such replacement shall have the same effect as the plate, certificate or disc which it replaces and shall be marked “replacement”;
- (b) that a re-examination of the vehicle is required, he shall by notice to the sender require the vehicle to be submitted for re-examination at a vehicle testing station specified in the notice and appoint a date and time for the examination.

(3) A re-examination under paragraph (2)(b) shall be carried out as if it were a first examination under regulations 17 to 23, the appropriate fee shall be paid as if the examination were a first examination, and the appropriate documents shall be issued in accordance with regulations 21 and 23.

### **Provisions as to notices**

**42.**—(1) Except as otherwise provided in these Regulations, every notice under these Regulations shall be in writing and may be given by post.

(2) For the purposes of calculating the period of any notice given in accordance with the provisions of these Regulations a Saturday, Sunday, Good Friday, Christmas Day or a bank holiday (as defined in the Banking and Financial Dealings Act 1971)(7) shall be excluded from the period.

(3) When giving any notice referred to in regulation 14(1), 15(4) or 33 the Secretary of State shall have regard, so far as is reasonably practicable, to any preference expressed by the person to whom the notice is addressed as to the vehicle testing station and the date and time at which the examination shall take place.

## PART VII

### CROWN VEHICLES

#### Provision as to Crown vehicles

**43.**—(1) Except as provided in paragraphs (2) and (3), these Regulations apply to goods vehicles which are of a class specified in regulation 4 and which are—

- (a) goods vehicles in the public service of the Crown which are registered or liable to be registered under the 1971 Act; or
- (b) trailers in the public service of the Crown while drawn by goods vehicles (whether or not in the public service of the Crown) which are registered or liable to be registered under the 1971 Act.

(2) A first examination of a vehicle, a periodical test or a re-examination of a vehicle under Part V of these Regulations may be made by or under the direction of an examiner (in this regulation referred to as an “authorised examiner”) authorised for the purpose by the Secretary of State instead of by or under the direction of a goods vehicle examiner, and in relation to any such examination made by an authorised examiner these Regulations shall apply as if—

- (a) regulations 6, 8, 12, 13, 14, 15, 25, 29 and 37 were omitted;
- (b) any reference to a goods vehicle examiner included a reference to an authorised examiner, and any reference to a vehicle testing station included a reference to premises approved by the Secretary of State for the carrying out of examinations under these Regulations by an authorised examiner;
- (c) in regulations 17(2)(a) and 21(3)(b)(vi) the reference to the application included a reference to a form approved by the Secretary of State for the purpose of an application for an examination under these Regulations by an authorised examiner; and
- (d) in regulation 23(3)(b)(iii) and (iv) the reference to the identification mark included a reference to an identification mark allotted by the Secretary of State for the purpose of an examination under these Regulations by an authorised examiner.

(3) Any person aggrieved by a determination of an authorised examiner on a first examination of a vehicle, a periodical test or a re-examination of a vehicle under Part V of these Regulations may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be re-examined by an officer appointed by him for the purpose and may make such determination on the basis of the re-examination as he thinks fit and, where appropriate, may issue a plating certificate, a goods vehicle test certificate or a notice of the refusal of a goods vehicle test certificate.

## PART VIII

### EXEMPTIONS

#### Exemptions from section 46(1) and (2) of the 1972 Act

**44.**—(1) The provisions of section 46(1) and (2) of the 1972 Act do not apply to the use of a vehicle for any of the following purposes—

- (a) the purpose of submitting it by previous arrangement for, or of bringing it away from, or being used in the course of or in connection with any examination;
- (b) where a goods vehicle test certificate is refused on an examination—
  - (i) the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy the defects on the grounds of which the certificate was refused; or
  - (ii) the purpose of delivering it, by towing it, to a place where it is to be broken up;
- (c) when unladen, the purpose of being driven or drawn by a vehicle driven under a trade licence issued under section 16 of the 1971 Act;
- (d) the purpose of being driven or drawn where it has been imported into Great Britain after arrival in Great Britain on the journey from the place where it has arrived in Great Britain to a place where it is to be kept by the person importing the vehicle or by any other person on whose behalf the vehicle has been imported, and in this sub-paragraph the reference to a vehicle being imported into Great Britain is a reference, in the case of a vehicle which has been so imported more than once, to the first such importation, and in determining for the purposes of this sub-paragraph when a vehicle was first so imported any such importation as is referred to in paragraph 24 of Schedule 2 shall be disregarded;
- (e) any purpose for which it is authorised to be used on roads by an order under section 42 of the 1972 Act;
- (f) any purpose connected with its seizure or detention by a police constable;
- (g) any purpose connected with its removal, detention, seizure, condemnation or forfeiture under any provision in the Customs and Excise Management Act 1979<sup>(8)</sup>; and
- (h) the purpose of removing it under section 3 of the Refuse Disposal (Amenity) Act 1978<sup>(9)</sup>, or under section 99 of the Road Traffic Regulation Act 1984<sup>(10)</sup> or of removing it from a parking place in pursuance of an order under section 35(1) of the Road Traffic Regulation Act 1984, an order relating to a parking place designated under section 45 thereof, or a provision of a designation order having effect by virtue of section 53(3) thereof.

(2) The provisions of section 46(1) and (2) of the 1972 Act shall not apply to the use of a vehicle in so far as such use occurs in any place (excluding the Isle of Wight, the islands of Lewis, Mainland (Orkney), Mainland (Shetland) and Skye) being an island or to any area mainly surrounded by water, being an island or area from which motor vehicles not constructed for special purposes can at no time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicles.

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<sup>(8)</sup> 1979 c. 2.

<sup>(9)</sup> 1978 c. 3.

<sup>(10)</sup> 1984 c. 27.

### **Exemption from section 51(2) of the 1972 Act**

**45.** Motor vehicles other than those manufactured on or after 1st October 1982 and first used on or after 1st April 1983, not constructed or adapted to form part of an articulated vehicle are hereby exempted from the provisions of section 51(2) of the 1972 Act.

### **Certificates of temporary exemption**

**46.**—(1) The person in charge of the Goods Vehicle Centre or a vehicle testing station may issue in respect of a vehicle a certificate of temporary exemption, by virtue of which that vehicle shall not, during the period specified in paragraph (2)(d), be subject to the provisions of section 46(1) or (2) of the 1972 Act, where—

- (a) he is satisfied that by reason of exceptional circumstances, as defined in regulation 39(1) affecting either a vehicle testing station or the vehicle, an examination cannot be completed by a date fixed under these Regulations for carrying out the examination; and
- (b) the use of the vehicle on or after that date would be unlawful by virtue of the said provisions.

(2) Every certificate of temporary exemption shall be on a form approved by the Secretary of State and shall be signed by a person duly authorised on his behalf and shall contain—

- (a) in the case of a certificate issued for a motor vehicle, the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chassis or serial number marked on the vehicle or, if no such number is so marked, the identification mark which shall have been allotted to the vehicle by the Secretary of State in the notice of appointment relating to the first examination of the vehicle;
- (b) in the case of a certificate issued for a trailer, the identification mark which shall have been allotted to the trailer by the Secretary of State in the notice of appointment (if any) relating to the first examination of the trailer or shall have otherwise been allotted to the trailer by the Secretary of State under these Regulations;
- (c) the date on which the certificate is issued; and
- (d) the period during which the vehicle is exempted from the provisions of section 46(1) or (2) of the 1972 Act so, however, that no such period shall exceed three months in duration.

Signed by authority of the Secretary of State

22nd August 1988

*Peter Bottomley*  
Parliamentary Under Secretary of State,  
Department of Transport

## SCHEDULE 1

Regulations 3(1) and 20

## PROVISIONS AS TO BRAKING FORCE OF TRAILERS

1. In this Schedule— the letter “W” represents—
  - (a) in the case of a trailer so designed that part of the weight of the trailer is imposed on the drawing vehicle, the axle weight, or, as the case may be, the sum of the axle weights which is or are to be determined for the trailer on an examination for plating;
  - (b) in any other case the gross weight of the trailer which is to be so determined.
2. The minimum braking force capable of being developed by the brakes of a trailer manufactured before 1st January 1968 should in the case of—
  - (a) a trailer, not being a semi-trailer, be 0.4 W;
  - (b) a semi-trailer for which a gross weight of 6100 kilograms or more is to be determined for the vehicle on an examination for plating, be 0.35 W;
  - (c) a semi-trailer for which a gross weight of less than 6100 kilograms is to be so determined, be 0.32 W.
3. The minimum braking force capable of being developed by the brakes of a trailer manufactured on or after 1st January 1968 but before 1st October 1982 should in the case of—
  - (a) a trailer, not being a semi-trailer, be 0.5 W;
  - (b) a semi-trailer, be 0.4 W.
4. The minimum braking force capable of being developed by the brakes of a trailer manufactured on or after 1st October 1982 should be 0.45 W.

## SCHEDULE 2

Regulation 4

## CLASSES OF VEHICLE TO WHICH THESE REGULATIONS DO NOT APPLY

1. Dual-purpose vehicles not constructed or adapted to form part of an articulated vehicle.
2. Mobile cranes as defined in Schedule 3 to the 1971 Act.
3. Break-down vehicles.
4. Engineering plant and plant, not being engineering plant, which is movable plant or equipment being a motor vehicle or trailer (not constructed primarily to carry a load) especially designed and constructed for the special purposes of engineering operations.
5. Trailers being drying or mixing plant designed for the production of asphalt or of bituminous or tar macadam.
6. Tower wagons as defined in—
  - (a) section 4(2) of the 1971 Act<sup>(11)</sup>; or
  - (b) Schedule 4 to that Act.
7. Road construction vehicles as defined in section 4(2) of the 1971 Act and road rollers.
8. Vehicles designed for fire fighting or fire salvage purposes.
9. Works trucks, straddle carriers used solely as works trucks, and works trailers.

<sup>(11)</sup> 1971 c. 10; section 4(2) was amended by the Finance Act 1986 (c. 41), Schedule 2, paragraph 2.



10. Electrically-propelled motor vehicles.
11. Vehicles used solely for one or both of the following purposes—
  - (a) clearing frost, ice or snow from roads by means of a snow plough or similar contrivance, whether forming part of the vehicle or not, and
  - (b) spreading material on roads to deal with frost, ice or snow.
12. Motor vehicles used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled.
13. Living vans the unladen weight of which does not exceed 1525 kilograms.
14. Vehicles constructed or adapted for, and used primarily for the purpose of, carrying equipment permanently fixed to the vehicle which equipment is used for medical, dental, veterinary, health, educational, display, clerical or experimental laboratory purposes, such use—
  - (a) not directly involving the sale, hire or loan of goods from the vehicle; and
  - (b) not directly or indirectly involving drain cleaning or sewage or refuse collection.
15. Trailers which have no other brakes than a parking brake and brakes which automatically come into operation on the over-run of the trailer.
16. Vehicles exempted from duty under the 1971 Act by virtue of section 7(1) of that Act and any trailer drawn by such a vehicle.
17. Agricultural motor vehicles and agricultural trailed appliances.
18. Agricultural trailers and agricultural trailed appliance conveyors drawn on roads only by an agricultural motor vehicle.
19. Public service vehicles (as defined in section 1 of the Public Passenger Vehicles Act 1981<sup>(12)</sup>).
20. Licensed taxis (as defined in section 13(3) of the Transport Act 1985<sup>(13)</sup>).
21. Vehicles used solely for the purposes of funerals.
22. Goods vehicles to which any of the prescribed construction and use requirements do not apply by virtue of either of the following items in the Table in regulation 4(4) of the Construction and Use Regulations namely—
  - (a) item 1 (which relates to vehicles proceeding to a port for export);
  - (b) item 4 (which relates to vehicles in the service of a visiting force or of a headquarters).
23. Vehicles equipped with a new or improved equipment or types of equipment and used, solely by a manufacturer of vehicles or their equipment or by an importer of vehicles, for or in connection with the test or trial of any such equipment.
24. Motor vehicles brought into Great Britain and displaying a registration mark mentioned in regulation 5 of the Motor Vehicles (International Circulation) Regulations 1971<sup>(14)</sup>, a period of twelve months not having elapsed since the vehicle in question was last brought into Great Britain.
25. Motor vehicles for the time being licensed under the Vehicles (Excise) Act (Northern Ireland) 1972<sup>(15)</sup>.

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<sup>(12)</sup> 1981 c. 14.

<sup>(13)</sup> 1985 c. 67.

<sup>(14)</sup> S.I. 1971/937.

<sup>(15)</sup> 1972 c. 10 (No. 6).

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**26.** Vehicles having a base or centre in any of the following islands, namely, Arran, Bute, Great Cumbrae, Islay, Mull, Tiree or North Uist from which the use of the vehicle on a journey is normally commenced.

**27.** Trailers brought into Great Britain and having a base or centre in a country outside Great Britain from which the use of the vehicle on a journey is normally commenced, a period of twelve months not having elapsed since the vehicle in question was last brought into Great Britain.

**28.** Track-laying vehicles.

**29.** Steam propelled vehicles.

**30.** Motor vehicles first used before 1st January 1960, used unladen and not drawing a laden trailer, and trailers manufactured before 1st January 1960 and used unladen. For the purposes of this paragraph any determination as to when a motor vehicle is first used shall be made as provided in regulation 3(3) of the Construction and Use Regulations.

**31.** Motor vehicles constructed, and not merely adapted, for the purpose of street cleansing, or the collection or disposal of refuse or the collection or disposal of the contents of gullies and which are either—

(a) three-wheeled vehicles, or

(b) vehicles which—

(i) are incapable by reason of their construction of exceeding a speed of 20 miles per hour on the level under their own power, or

(ii) have an inside track width of less than 810 millimetres.

**32.** Vehicles designed and used for the purpose of servicing or controlling or loading or unloading aircraft while so used—

(a) on an aerodrome as defined in section 105(1) of the Civil Aviation Act 1982(16);

(b) on roads outside such an aerodrome if, except when proceeding directly from one part of such an aerodrome to another part thereof, the vehicles are unladen and are not drawing a laden trailer.

**33.** Vehicles designed for use, and used on an aerodrome mentioned in paragraph 32, solely for the purpose of road cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools.

**34.** Vehicles provided for police purposes and maintained in workshops approved by the Secretary of State as suitable for such maintenance, being vehicles provided in England and Wales by a police authority or the Receiver for the metropolitan police district, or, in Scotland, by a police authority or a joint police committee.

**35.** Heavy motor cars or motor cars constructed or adapted for the purpose of forming part of an articulated vehicle and which are used for drawing only a trailer falling within a class of vehicle specified in paragraph 13, 14 or 15 of this Schedule or a trailer being used for or in connection with any purpose for which it is authorised to be used on roads by an order under section 42(1) of the 1972 Act, being an order authorising that trailer or any class or description of trailers comprising that trailer to be used on roads.

**36.** Play buses.

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(16) 1982 c. 16.

## SCHEDULE 3

Regulations 3 and 16

## THE PRESCRIBED CONSTRUCTION AND USE REQUIREMENTS

The construction and use requirements which are prescribed for the purposes of a goods vehicle test are as follows:—

1. The requirements contained in the following provisions of the Construction and Use Regulations:—

Item No. Motor Vehicles	Regulation Trailers	Affecting	Applicable to	
1	15 or 16	Parking brake	Yes	Yes
2	15 or 17	Pressure, Vacuum braking systems	Yes	No
3	15, 16 or 18	Brakes	Yes	Yes
4	24	Recut pneumatic tyres	Yes	Yes
5	25	Strength of tyres	Yes	Yes
6	26 and 27	Mixing and maintenance of tyres	Yes	Yes
7	29	Maintenance of steering gear	Yes	Yes
8	30	View to the front	Yes	No
9	33	Mirrors	Yes	No
10	34	Windscreen Wipers and Washers	Yes	No
11	35 and 36	Speedometer	Yes	No
12	37	Audible warning	Yes	No
13	46, 47 and 48	Seat Belts	Yes	No
14	49 and 50	Rear under-run protection	Yes	Yes
15	51 and 52	Sideguards	Yes	Yes
16	54	Maintenance of silencer	Yes	No
17	61	Excess fuel device	Yes	No

Note: Item 21(i) is applicable to semi-trailers which have some or all of their wheels driven by the drawing vehicle, but not to other trailers.

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Item No. Motor Vehicles	Regulation Trailers	Affecting	Applicable to
18	61	Smoke emission, oil etc.	Yes No
19	64 and 65	Spray suppression equipment	Yes Yes
20	70 and 73	Ministry plate	Yes Yes
21	100	Safe condition of the vehicle and its accessories and in particular:—	
		(b) <del>Spare</del> Wheel carrier	Yes Yes
		(b) <del>Trailer</del> coupling on vehicle	Yes Yes
		(c) <del>Coupling</del> on trailer	No Yes
		(d) <del>The</del> chassis	Yes Yes
		(e) <del>Electrical</del> wiring and equipment	Yes Yes
		(f) <del>Landing</del> legs	No Yes
		(g) <del>Engine</del> mountings	Yes Yes
		(h) <del>Fuel</del> tanks and system	Yes Yes
		<del>Transmission</del> shafts and associated equipment	Yes see note

Note: Item 21(i) is applicable to semi-trailers which have some or all of their wheels driven by the drawing vehicle, but not to other trailers.

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Item No.	Regulation	Affecting	Applicable to
Motor Vehicles	Trailers		
		(j) Exhaust system	Yes Yes
		(k) Batteries	Yes No
		(l) Wheels and hubs	Yes Yes
		(m) Suspension system	Yes Yes
		(n) Axles and Steering gear	Yes Yes
		(o) Shock absorbers	Yes Yes
		(p) Bumpers	Yes Yes
		(q) Wings	Yes Yes
		(r) The cab	Yes No
		(s) Driving seat	Yes No
		(t) The Body	Yes Yes
		(u) Driver's controls	Yes No
		(v) Cab step or step rings	Yes No
		(w) Glass or other transparent material in windscreen or cab windows	Yes No

Note: Item 21(i) is applicable to semi-trailers which have some or all of their wheels driven by the drawing vehicle, but not to other trailers.

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2. The requirements contained in the following provisions of the Road Vehicles Lighting Regulations 1984(17).

Item No.	Regulation and Schedule	Affecting	Applicable to	
	Motor Vehicles			
	Trailers			
22	Regulation 16, Schedule 1, item 1 and Schedule 2, Part I	Obligatory front position lamps	As specified in item 1 of Schedule 1	No
23	Regulation 16, Schedule 1, item 1 and Schedule 4, Part I	Obligatory dipped-beam headlamps	As specified in item 1 of Schedule 1	No
24	Regulation 17 and Schedule 4, Part II	Optional dipped-beam headlamps	If fitted, yes	No
25	Regulation 16, Schedule 1, item 1 and Schedule 5, Part I	Obligatory main-beam headlamps	As specified in item 1 of Schedule 1	No
26	Regulation 17 and Schedule 5, Part II	Optional main-beam headlamps	If fitted, yes	No
27	Regulation 16 and Schedule 1, item 1 or 6 and Schedule 10, Part I	Obligatory rear position lamps	As specified in item 1 of Schedule 1	As specified in item 6 of Schedule 1
28	Regulation 16 and Schedule 1, item 1 or 6 and Schedule 16, Part I	Obligatory side reflex reflectors	As specified in item 1 of Schedule 1	As specified in item 6 of Schedule 1
29	Regulation 16 and Schedule 1, item 1 or 6 and Schedule 17, Part I	Obligatory rear reflex reflectors	As specified in item 1 of Schedule 1	As specified in item 6 of Schedule 1
30	Regulation 16 and Schedule 1, item 1 or 6 and Schedule 7, Parts I and II	Obligatory direction indicators	As specified in item 1 of Schedule 1	As specified in item 6 of Schedule 1

(17) S.I. 1984/812, to which there are amendments not relevant to these Regulations.

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Item No.	Regulation and Schedule	Affecting	Applicable to	
	Motor Vehicles	Trailers		
31	Regulation 17 and Schedule 7, Parts I and II	Optional direction indicators	If fitted, yes	If fitted, yes
32	Regulation 16, Schedule 1 or 6, and Schedule 12, Part I	Obligatory stop lamps	As specified in item 1 of Schedule 1	As specified in item 6 of Schedule 1
33	Regulation 17 and Schedule 12, Part II	Optional stop lamps	If fitted, yes	If fitted, yes
34	Regulation 16, Schedule 1, item 1 or 6 and Schedule 18, Part I	Obligatory rear markings	As specified in item 1 of Schedule 1	As specified in item 6 of Schedule 1
35	Regulation 17 and Schedule 18, Part II	Optional rear markings	If fitted, yes	If fitted, yes
36	Regulation 16 and Schedule 1, item 1 or 6 and Schedule 11, Part I	Obligatory rear fog lamps	As specified in item 1 of Schedule 1	As specified in item 6 of Schedule 1
37	Regulation 17 and Schedule 11, Part II	Optional rear fog lamps	If fitted, yes	If fitted, yes
38	Regulation 20(1) so far as relating to lamps, reflectors or markings mentioned in next column forward	Maintenance of obligatory front position lamp, rear position lamp, headlamp, rear fog lamps, reflex reflectors and rear markings	Yes	Yes
39	Regulation 20(1) so far as relating to lamp or indicator mentioned in next column forward	Maintenance of stop lamps and direction indicators	In case of obligatory lamp or indicator, yes. In case of optional lamp or indicator, yes, if fitted	In case of obligatory lamp, yes. In case of optional lamps, yes if fitted
40	Regulation 20(3)	Maintenance of dipped-beam headlamp	In case of obligatory lamp, yes. In case of	No

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Item No.	Regulation and Schedule	Affecting	Applicable to	
	Motor Vehicles	Trailers		
			optional lamp, yes if fitted	
41	Regulation 20(3)	Maintenance of rear fog lamp	In case of obligatory lamp, yes. In case of optional lamp, yes, if fitted	In case of obligatory lamp, yes. In case of optional lamp, yes, if fitted

**3.** The requirements, in so far as they relate to the installation of recording equipment in Article 3 and the seals to be affixed to such equipment in Article 15 and paragraph 4 of Section V of Annex 1 of the Community Recording Equipment Regulation (as defined in section 82 of the 1972 Act(**18**)).

Item No.	Affecting	Applicable to	
	Motor Vehicles	Trailers	
42	Installation and seals of tachograph	Yes	No

#### SCHEDULE 4

#### REGULATIONS REVOKED BY REGULATION 2

Title	Year and Number
The Goods Vehicles (Plating and Testing) Regulations 1982	<a href="#">1982/1478</a>
The Goods Vehicles (Plating and Testing) Regulations 1983	<a href="#">1983/239</a>
The Goods Vehicles (Plating and Testing) (Amendment) (No. 2) Regulations 1983	<a href="#">1983/1800</a>
The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1984	<a href="#">1984/178</a>
The Goods Vehicles (Plating and Testing) (Amendment) (No. 2) Regulations 1984	<a href="#">1984/402</a>
The Goods Vehicles (Plating and Testing) (Amendment) (No. 2) Regulations 1984	<a href="#">1984/816</a>
The Goods Vehicles (Plating and Testing) (Amendment) (No. 4) Regulations 1984	<a href="#">1984/1024</a>
The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1985	<a href="#">1985/44</a>

(18) Section 82 was amended by the insertion of this definition by S.I. [1981/1692](#).



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Title	Year and Number
The Goods Vehicles (Plating and Testing) (Amendment) (No. 2) Regulations 1985	1985/1525
The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1986	1986/371
The Goods Vehicles (Plating and Testing) (Amendment) (No. 2) Regulations 1986	1986/1090
The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1988	1988/338

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## EXPLANATORY NOTE

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

These Regulations re-enact the Goods Vehicles (Plating and Testing) Regulations 1982 with amendments. In addition to minor and drafting amendments, they make the following changes of substance.

Regulation 8(2)(c) provides that an examiner should not be under any obligation to accept a vehicle for examination or to proceed with an examination where the fee has not been paid and is not tendered in cash.

Regulation 11(2) extends the validity of a goods vehicle test certificate where it is issued in respect of a motor vehicle at a time when its most recent certificate has expired and its most recent excise licence has expired or been surrendered. In these circumstances, the certificate shall be valid from the date of issue until the last day of the same month in the next following year. Previously a certificate issued in these circumstances expired on the first anniversary of the expiry date of the earlier certificate unless the vehicle was submitted for a re-test more than 10 months after that expiry date.

Regulation 16(3)(c) re-enacts provisions enabling a vehicle to be re-tested free of charge if the re-test is due only to certain defects. To the list of defects is added those relating to the construction and use requirements specified in items 14 and 15 of Schedule 3. Items 14 and 15 relate to rear under-run protection and side guards.

Regulation 21(3)(b)(ii) requires a plating certificate issued by the Goods Vehicle Centre, Swansea to contain the letters GVC. Regulation 21(4) enables a plating certificate to contain the maximum authorised weights and dimensions in accordance with article 2 of Council Directive 85/3/EEC.

Regulation 44 re-enacts provisions exempting certain goods vehicles from sections 46(1) and (2) of the Road Traffic Act 1972 (obligatory test certificates for goods vehicles). Regulation 44(1)(c) has been redrafted so as to make it clear that the exemption relating to vehicles used or drawn by a vehicle used under a trade licence applies only to vehicles and trailers being used unladen.

Schedule 2 re-enacts a list of classes of vehicle to which the Regulations do not apply. It makes the following amendments:

- (a) paragraph 6 extends the exemption for tower wagons to tower wagons as defined in section 4(2) of the Vehicles (Excise) Act 1971 (c. 10) which was substituted by paragraph 2 of Schedule 2 to the Finance Act 1986 (c. 41);

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- (b) paragraph 14, which exempts certain vehicles equipped for, amongst other things, medical, veterinary and health purposes, has been redrafted so as to make it clear that the exemption does not apply to vehicles used for drain cleaning or sewage or refuse collection;
- (c) paragraph 18, which replaces the exemption for agricultural trailers drawn on roads only by a land tractor, exempts agricultural trailers and agricultural trailed appliance conveyors drawn on roads only by an agricultural motor vehicle;
- (d) in paragraph 20 the exemption for hackney carriages has been replaced by one for licensed taxis; and
- (e) paragraph 26, which exempts vehicles having a base or centre in certain islands, is extended to vehicles having a base or centre in Tiree.

Schedule 3 re-enacts provisions specifying the construction and use requirements which are prescribed for the purposes of a goods vehicle test. The effect of a requirement being so specified is that a vehicle submitted for a test has to be examined to ascertain whether the vehicle complies with it. The requirements have been amended as follows:

- (a) item 7 applies to trailers the requirements relating to maintenance of steering gear contained in regulation 29 of the Road Vehicles (Construction and Use) Regulations 1986;
- (b) item 19 prescribes as new requirements for motor vehicles and trailers, the requirements which relate to spray suppression equipment contained in regulations 64 and 65 of the 1986 Regulations; and
- (c) item 21 applies to semi-trailers which have some or all of their wheels driven by the drawing vehicle the requirements relating to transmission shafts and associated equipment contained in regulation 100 of the 1986 Regulations.