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STATUTORY INSTRUMENTS

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**1988 No. 1478**

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

**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\(1\)](#).

### **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.

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

**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—

- (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).