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STATUTORY INSTRUMENTS

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**1988 No. 1478**

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

**PART VI**

**MISCELLANEOUS MATTERS**

**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.