

1988 No. 370

ROAD TRAFFIC

**The International Carriage of Dangerous Goods by Road
(Fees) Regulations 1988**

<i>Made</i> - - - -	<i>2nd March 1988</i>
<i>Laid before Parliament</i>	<i>10th March 1988</i>
<i>Coming into force</i> -	<i>1st April 1988</i>

The Secretary of State for Transport, with the consent of the Treasury, in exercise of the powers conferred by section 56(1) and (2) to the Finance Act 1973(a), and of all other enabling powers, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the International Carriage of Dangerous Goods by Road (Fees) Regulations 1988 which shall come into force on 1st April 1988.

Interpretation

2. In these Regulations—

- (a) “ADR certificate” means a special certificate of approval issued for a vehicle following inspection of the vehicle in pursuance of marginal 10 282 of Annex B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road of the 30th September 1957 (ADR), as amended, and references to an inspection of a vehicle or the issue of a certificate or a copy thereof are references to such an inspection, or issue of a certificate or copy, by the Secretary of State for Transport.
- (b) “the 1982 Regulations” means the Goods Vehicles (Plating and Testing) Regulations 1982(b).
- (c) “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).

Fees

3. Subject to regulations 4(2) and 5(2), the fees for the provision of inspection facilities including the carrying out of an inspection) and the administrative work carried out upon receipt of an application for an ADR certificate in respect of a vehicle shall be—

- (a) £95 where the application is accompanied by a request in writing for the inspection to be carried out on the same day as an examination of the vehicle under the 1982 Regulations and—
 - (i) the fee payable under those Regulations in respect of that examination has already been paid, or

(a) 1973 c.51.

(b) S.I. 1982/1478; the relevant amending instruments are S.I. 1984/402 and 1986/371.

(ii) that fee accompanies the application;

or

- (b) in any other case, £95 together with an amount equal to the fee required under regulation 12(3) of the 1982 Regulations to accompany an application for examination of the vehicle under those Regulations.

4.—(1) Subject to paragraph (2) below, where a vehicle fails to pass an inspection carried out in respect of an application for an ADR certificate, an application for a further inspection shall be treated for the purpose of these Regulations as a separate application for an ADR certificate.

(2) Where a vehicle fails to pass an inspection and within 14 days thereafter arrangements are made for a further inspection to be carried within that period, paragraph (1) shall not apply but a further fee of £47.50 shall be payable in respect of such arrangements.

5.—(1) Subject to regulation 8, the fees payable under regulations 3 and 4 in relation to an application for an ADR Certificate shall be payable notwithstanding that the vehicle is not submitted for an inspection at the time arranged for the inspection or the inspection is not carried out for any of the reasons specified in the Schedule to these Regulations, but if the inspection is not carried out for any other reason any sum tendered under regulation 7 in relation to the application shall be returned.

(2) Notwithstanding anything in sub-paragraph (b) of regulation 3 but subject to regulation 4(2), where the inspection of a vehicle is in fact carried out on the same day as an examination of the vehicle under the 1982 Regulations the fee payable in relation to an application for an ADR certificate shall be £95.00 and the balance of any sum tendered under regulation 7 in relation to that application shall be returned.

6. The fee for the issue of a copy of an ADR certificate which has been lost or destroyed shall be £5.50.

Payment

7.—(1) An application made to the Secretary of State for Transport for a ADR certificate shall be accompanied by the appropriate fee determined in accordance with regulation 3.

(2) The fee payable under regulation 4(2) in respect of arrangements for a further inspection of a vehicle shall be paid on or before the date arranged for such further inspection.

Cancellation of appointments

8.—(1) This regulation applies to a person who has made an application for an ADR certificate in respect of a vehicle and who—

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

(2) If a person to whom this regulation applies makes an application in writing to the Secretary of State for Transport to the vehicle testing station at which the inspection had been arranged either at the time of the notice given under paragraph (1) above or within 28 days of the date thereof, for another inspection in relation to that vehicle to be carried out within 3 months of the date of his application under this paragraph, then the fee payable in respect of the application for the ADR certificate shall be the same as if the arrangements for the original inspection date had not been made.

(3) If a person to whom this regulation applies does not make an application for another inspection in accordance with paragraph (2) above, the fee payable by him in respect of the application for the ADR certificate shall be £1.50 and the balance of any sum tendered under regulation 7 shall be returned.

Trailers

9. Where an application is made for a single ADR certificate for a motor vehicle and trailer, the fees payable under these Regulations shall be calculated as if applications had been made for separate ADR certificates for the motor vehicle and the trailer respectively.

Disposal of fees

10. All fees received and not refunded under these Regulations shall be paid into the Consolidated Fund.

Savings

11. Nothing in these Regulations shall effect a person's liability to pay any fee under the 1982 Regulations.

Revocation

12. The International Carriage of Dangerous Goods by Road (Fees) Regulations 1986(a) are hereby revoked.

Signed by authority of the Secretary of State

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

29th February 1988

We consent to the making of these Regulations

Mark Lennox-Boyd
David Lightbown

2nd March 1988

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Regulation 5

REASONS FOR AN INSPECTION NOT BEING CARRIED OUT SPECIFIED FOR THE PURPOSES OF REGULATION 5

1. The applicant for the ADR certificate does not, after being requested to do so, produce the notice of appointment (if any) relating to the inspection and—

(a) 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 inspection, evidence of the date of its manufacture,

(b) in the case of a trailer, evidence of the date of its manufacture.

2. The particulars relating to the vehicle and shown in any application relevant to the inspection are found to be substantially incorrect.

3. The vehicle is one as respects which it has been stated in the application that it is to be used on roads to draw a trailer and in the last notice of appointment preceding the inspection 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.

4. 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.

(a) S.I. 1986/589.

5. There is not permanently affixed to the chassis or main structure of the vehicle in a conspicuous or easily accessible position so as to be readily legible either—

- (a) the chassis or serial number shown in the registration document relating to the vehicle, or
- (b) if no such number is shown or exists, the identification mark allotted to the vehicle by the Secretary of State.

6. The vehicle or any motor vehicle by which it is accompanied, or any part of any equipment of the vehicle or any such accompanying vehicle is so dirty or dangerous as to make it unreasonable for the inspection to be carried out or the applicant for the ADR certificate does not produce any certificate required in the last notice of appointment preceding the inspection, that a vehicle used for carrying toxic, corrosive or inflammable loads had been properly cleaned or otherwise made safe.

7. An inspector is not able to complete the inspection without the vehicle or, in the case of a trailer, the motor vehicle by which it is accompanied being driven and such vehicle or trailer or, as the case may be, the 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.

8. In the case of a trailer, an inspector is not able to complete the inspection unless the motor vehicle by which it is accompanied is driven on a road, and that motor vehicle cannot be driven in compliance with the requirements of section 8 of the Vehicles (Excise) Act 1971(a) because no licence under that Act is in force for such vehicle.

9. The vehicle or any trailer by which it is accompanied is not loaded or unloaded in the manner (of any) specified for the purpose of the inspection either in the last notice of appointment preceding the inspection or by the Secretary of State for Transport.

10. An inspector is not able to complete the inspection due to the failure of a part of the vehicle or, in the case of a trailer, 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the International Carriage of Dangerous Goods by Road (Fees) Regulations 1986.

The Regulations prescribe the fees payable for the provision of inspection facilities and the administrative work connected with the issue by the Secretary of State for Transport of a special certificate of approval for a vehicle following inspection of the vehicle in pursuance of marginal 10 282 of Annex B to the European Agreement concerning the International Carriage of Dangerous Goods by road of the 30th September 1957 (ADR), as amended ("ADR") and the fee for the issue of a copy of such a certificate.

Previously, a fee of £35 was payable for the issue of an ADR certificate where the inspection was carried out within 14 days of an earlier inspection and £70 in any other case. Under these Regulations fees are payable regardless of whether a vehicle passes or fails the inspection. A fee of £95 is payable where a first inspection in relation to an application for a certificate is carried out on the same day as an examination under the Goods Vehicle (Plating and Testing) Regulations 1982. The fee for a first inspection in any other case is £95 plus the amount which would be payable in respect of an examination under those Regulations. Where a vehicle fails to pass an inspection and arrangements are made for a further inspection to be carried out not more than 14 days after the first inspection an additional fee of £47.50 is payable otherwise an application

(a) 1971 c.10.

for a further inspection is treated for fee purposes as a separate application for an ADR certificate.

These fees are in addition to any fee which may be payable for an examination under the 1982 Regulations carried out in the course of the inspection.

The fee for the issue of a copy of a certificate which has been lost or destroyed is increased from £5 to £5.50.

Regulation 7 is a new provision that requires the appropriate fee to accompany an application of an ADR certificate. Regulations 5(1) and 8 are new provisions that specify the circumstances in which the fees are to be in whole or in part retained or returned where an inspection does not take place after being arranged.

ADR is published by Her Majesty's Stationery Office.