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STATUTORY INSTRUMENTS

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**1993 No. 2048**

**The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1993**

**Citation and commencement**

1. These Regulations may be cited as the Goods Vehicles (Plating and Testing) (Amendment) Regulations 1993 and shall come into force on 1st October 1993.

**Preliminary**

2. The Goods Vehicles (Plating and Testing) Regulations 1988(1) shall be further amended in accordance with the provisions of these Regulations.

**Amendments to regulation 3 (interpretation)**

3.—(1) Regulation 3 shall be amended as follows.

(2) In paragraph (1)—

- (a) the definition of “area engineer” shall be omitted;
- (b) for the definition of “the prescribed construction and use requirements” there shall be substituted the following definition—

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

(3) After paragraph (4), there shall be inserted the following paragraph—

“(4A) Without prejudice to section 17 of the Interpretation Act 1978(2) and subject to the context, a reference in these Regulations to any enactment comprised in subordinate legislation (within the meaning of that Act) is a reference to that enactment as from time to time amended or as from time to time re-enacted with or without modification.”

**Amendments to regulation 8 (conditions of acceptance of vehicle)**

4.—(1) Regulation 8 shall be amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (a), the word “goods” shall be omitted; and
- (b) sub-paragraph (b) shall be omitted.

(3) In regulation 8(2), the word “or” immediately following sub-paragraph (n) shall be omitted, and after sub-paragraph (o) there shall be added the following words—

“or

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(1) S.I.1988/1478; relevant amending instruments are 1989/1963, 1991/252 and 1992/564.  
(2) 1978 c. 30.

- (p) the vehicle or any motor vehicle by which it is accompanied emits substantial quantities of avoidable smoke.”.

#### **Substitution of regulation 15 (application for re-tests)**

- 5. For regulation 15 there shall be substituted the following regulation—

“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.

(2) Where an applicant desires to submit a vehicle for a re-test he shall make arrangements with the Secretary of State as to the vehicle testing station at which the vehicle is to be submitted for a re-test and as to the date and time at which the vehicle is to be submitted to that vehicle testing station.”.

#### **Substitution of regulation 16 (fees for re-tests)**

- 6. For regulation 16 there shall be substituted the following regulation—

“16.—(1) Subject to paragraphs (4) and (6), where the applicant for a re-test requests that a re-test under regulation 15 be carried out within 14 days after the vehicle was submitted for its first examination or periodic test (as the case may be) the fee for the re-test shall be £17.60 in the case of a motor vehicle and £9.70 in the case of a trailer.

(2) Subject to paragraphs (3) and (5), in a case where paragraph (1) does not apply, the fee for a re-test under regulation 15 shall be £34.70 in the case of a motor vehicle or £17.90 in the case of a trailer.

(3) Paragraph (2) does not apply to a further re-test in a case where—

- (a) a previous re-test has been carried out on the vehicle in circumstances in which a fee was payable under that paragraph, and
- (b) the applicant for the further re-test requests that the further re-test be carried out within 14 days after the vehicle was submitted for the previous re-test;

and, subject to paragraphs (4) and (6), in such a case the fee for the further re-test shall be £17.60 in case of a motor vehicle and £9.70 in case of a trailer.

(4) Where the date arranged for a re-test is, at the applicant’s request, a Saturday the fee payable under paragraph (1) or (3) in respect of the re-test shall be increased by £9.80 in the case of a motor vehicle and £6.10 in the case of a trailer.

(5) Where the date arranged for a re-test is, at the applicant’s request, a Saturday the fee payable under paragraph (2) in respect of the re-test shall be increased by £19.50 in the case of a motor vehicle and £12.30 in the case of a trailer.

(6) Any fee which would otherwise be payable by virtue of paragraph (1), (3) or (4) 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, on the first day thereafter on which the relevant vehicle testing station 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 in Part I of Schedule 3, namely items 4, 5, 7, 8, 9, 11, 12, 14 (in so far as it relates to the emission of an oily substance) and 16;
- (ii) items 17, 18 and 19 in paragraph 2 in Part I of Schedule 3 (except in so far as those items relate to rear markings);
- (iii) paragraph 3 in Part I of Schedule 3;

and the requirements of Part II of Schedule 3 so far as those requirements relate to the condition of the spare wheel carrier, fuel tanks and system, bumpers and the cab.

(7) The fees payable under this regulation shall be paid on submission of the vehicle for the re-test.

(8) In paragraph (6), “the relevant vehicle testing station”, in relation to a re-test, means the testing station at which the re-test is to be carried out pursuant to arrangements made under regulation 15.”.

#### **Amendments to regulation 25 (appeals relating to a first examination)**

7.—(1) Regulation 25 shall be amended as follows.

(2) In paragraph (1) the words from “to the area engineer” to “regulation may appeal”, shall be omitted.

(3) In paragraph (2), the words from the beginning to “the determination, and” shall be omitted.

(4) In paragraph (4), The words from the beginning to “£15 and” shall be omitted.

(5) In paragraphs (5), (6) and (7) the words “the area engineer or, as the case may be,” wherever they appear shall be omitted.

(6) In paragraph (8)—

(a) in the words preceding sub-paragraph (a), the words “the area engineer or” shall be omitted;

(b) in sub-paragraph (a)(i), the words “, or on a re-examination by an area engineer, and” shall be omitted; and

(c) in sub-paragraph (a)(ii), the words “or on a re-examination by an area engineer,” shall be omitted.

(7) In paragraph (9), the words “The area engineer or, as the case may be,” shall be omitted.

(8) In paragraph (10)—

(a) the words “the area engineer or, as the case may be,” shall be omitted;

(b) in sub-paragraph (b) the words “, or by an area engineer in connection with a notice of refusal of a goods vehicle test certificate,” shall be omitted.

(9) In paragraph (11)—

(a) the words “the area engineer or, as the case may be,” shall be omitted; and

(b) in sub-paragraph (a), the words “the area engineer or by” shall be omitted.

#### **Amendments to regulation 27 (re-test procedure)**

8.—(1) Regulation 27 shall be amended as follows.

(2) In paragraph (1), for the words “under regulation 15(2) or (3)” there shall be substituted the words “in circumstances where the fee for the retest is payable under paragraph (1) or (3) of regulation 16 or would have been so payable but for paragraph (6) of that regulation”.

(3) In paragraph (4), for the words “under regulation 15(4)” there shall be substituted the words “in circumstances where a fee for the retest is payable under regulation 16(2)”.

**Amendments to regulation 29 (appeals relating to periodic examinations and examinations)**

9. In regulation 29(1), the words from “the area engineer for the traffic area” to “regulation may appeal to” shall be omitted.

**Amendments to regulation 37 (appeals relating to examinations following a notifiable alteration)**

10.—(1) Regulation 37 shall be amended as follows.

(2) In paragraph (1), the words “to the area engineer for the traffic area” to “regulation may appeal to” shall be omitted.

(3) In paragraph (3), the words “the area engineer or, as the case may be,” shall be omitted.

(4) In paragraph (4)—

(a) in sub-paragraph (a), words from “by the area engineer” to “as the case may be,” shall be omitted;

(b) in sub-paragraph (b)(i), the words from “the area engineer” to “as the case may be, by” shall be omitted.

**Amendments to regulation 41 (replacements of plates and certificates)**

11. In regulation 41(1), for the words “Goods Vehicle Centre” there shall be substituted the words “Secretary of State”.

**Substitution of new Schedule 3**

12. For Schedule 3 there shall be substituted the Schedule set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State

16th August 1993

*Robert Key*  
Parliamentary Under Secretary of State  
Department of Transport