
STATUTORY INSTRUMENTS

1995 No. 1455

ROAD TRAFFIC

The Vehicle Excise (Design Weight Certificate) Regulations 1995

<i>Made</i>	- - - -	<i>8th June 1995</i>
<i>Laid before Parliament</i>		<i>8th June 1995</i>
<i>Coming into force</i>	- -	<i>1st July 1995</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 57 and 61A of the Vehicle Excise and Registration Act 1994⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations;

Citation and commencement

1. These Regulations may be cited as the Vehicle Excise (Design Weight Certificate) Regulations 1995 and shall come into force on the 1st July 1995.

Interpretation

2.—(1) In these Regulations—

“the Plating and Testing Regulations” means the Goods Vehicles (Plating and Testing) Regulations 1988⁽²⁾;

“the 1988 Act” means the Road Traffic Act 1988⁽³⁾;

“the 1994 Act” means the Vehicle Excise and Registration Act 1994;

“design weight certificate” means a certificate issued under these Regulations stating the design weight of a vehicle;

“design weight examination” means an examination under these Regulations other than a re-examination on an appeal;

“Goods Vehicle Centre” and “standard lists” have the meanings given by regulation 3(1) of the Plating and Testing Regulations.

(1) 1994 c. 22. Section 60A and 61A are inserted by paragraphs 26 and 28 of Schedule 4 to the Finance Act 1995 (c. 4). Part VIII of Schedule 1 is amended by paragraph 14 of that Schedule.
(2) S.I.1988/1478; relevant amending instruments are S.I. 1989/1693, 1990/448, 1991/252, 1993/2048 and 3013, 1994/328.
(3) 1988 c. 52.

(2) In these Regulations, the following expressions shall have the same meaning as in Part II of the 1988 Act—

- “goods vehicle”;
- “motor vehicle”;
- “plated weights”;
- “plating certificate”;
- “vehicle examiner”.

(3) Without prejudice to section 17 of the Interpretation Act 1978(4) and subject to 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 re-enacted with or without modification.

Issue of design weight certificates

3. The Schedule to these Regulations shall effect.

Effect of a design weight certificate

4.—(1) Where, at any time—

- (a) a design weight certificate is in force as respects a vehicle; and
 - (b) the vehicle has not acquired a design weight by reason of any adaptation made since the relevant examination that is greater than the design weight stated in the certificate,
- the certificate shall have conclusive effect for the purposes of the 1994 Act (but not these Regulations) as to the design weight of the vehicle at that time.

(2) In this regulation “relevant examination”, in relation to a design weight certificate, means the examination or re-examination under these Regulations following which the certificate was issued.

Production of a design weight certificate on application for a licence

5. Where—

- (a) a person applies for a vehicle licence for a vehicle to which Part VIII of Schedule 1 to the 1994 Act applies; and
- (b) it appears to the Secretary of State that the vehicle does not have a confirmed maximum weight,

the Secretary of State may, before making a determination for the purposes of section 7(5) of the 1994 Act, require the production of a design weight certificate in respect of the vehicle.

Adaptation of a vehicle

6. An adaptation of a vehicle shall be treated as permanent for the purposes of section 60A(5) of the 1994 Act if, and only if, it is an adaptation with respect to which a design weight certificate has been issued.

Signed by authority of the Secretary of State

8th June 1995

Steven Norris
Parliamentary Under Secretary of State
Department of Transport

THE SCHEDULE

Regulation 3

ISSUE OF DESIGN WEIGHT CERTIFICATES

Applications

1.—(1) Any person wishing to have a design weight certificate for a vehicle shall make an application for that purpose to the Secretary of State.

(2) Every such application shall—

- (a) be on a form approved by the Secretary of State;
- (b) contain the particulars required by the form; and
- (c) be accompanied by a fee of £13.50.

(3) The vehicle shall be submitted for a design weight examination at the time and place appointed by the Secretary of State.

(4) Where the date appointed for the design weight examination is, at the applicant's request, a Saturday, the fee in the respect of the examination shall be increased by £8.40.

(5) Any sum payable by virtue of sub-paragraph (4) above, shall be paid to the Secretary of State on or before the date appointed for the design weight examination.

Determination of design weight where a vehicle has never been issued with either a plating certificate or a design weight certificate

2.—(1) This paragraph applies to a vehicle if no plating certificate or design weight certificate has ever been issued in respect of it.

(2) Where a vehicle to which this paragraph applies is submitted for a design weight examination, a 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.

(3) For the purpose mentioned in sub-paragraph (2) above, the vehicle examiner shall have regard to—

- (a) the particulars as respect to the vehicle shown in the application form; and
- (b) any information which may have been supplied to the Secretary of State subsequent to the publication of standard lists as to the applicability of any of the weights shown in those lists.

(4) If the vehicle examiner determines that the vehicle is of a make, model and type or otherwise one to which the weight shown in the standard lists apply, there shall be determined as the design weight, the weight which appears from those lists for vehicles of that make, model and type (however shown or otherwise expressed) to be—

- (a) if the vehicle is a tractive unit, the weight which is required by the design of the vehicle not to be exceeded by an articulated vehicle which—
 - (i) consists of the vehicle and any semi-trailer being drawn by it, and
 - (ii) is in normal use and travelling on a road laden; or
- (b) if the vehicle is not a tractive unit, the weight which the vehicle is designed not to exceed when in normal use and travelling on a road laden.

(5) If the vehicle examiner determines that the vehicle is not of a make, model and type or otherwise not one to which the weights shown in the standard lists apply, he shall determine the design weight of the vehicle having regard—

- (a) to any information which may have been supplied by the Secretary of State as to the plated weights or design weights which have been determined for similar vehicles under the Plating and Testing Regulations or 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 the 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 adapted since the date of its manufacture, to the likely effect of any such adaptation in making the vehicle fit to be driven safely on roads at weights different from those at which it appears to the vehicle examiner the vehicle was originally designed to be so driven; and
- (e) to the requirements as to brakes specified in the definition of “standard lists” in regulation 3(1) of the Plating and Testing Regulations.

(6) When the vehicle examiner has determined the design weight in accordance with this paragraph, he shall cause a design weight certificate to be issued.

Vehicles which have been adapted after being issued with a plating certificate or a design weight certificate.

3.—(1) This paragraph applies to a vehicle if it has been issued with a plating certificate or a design weight certificate.

(2) Where a vehicle to which this paragraph applies is submitted for a design weight examination, a vehicle examiner shall cause the vehicle to be examined for the purpose of determining to what extent (if any) the weight which appears from the last relevant certificate to be the design weight is no longer applicable and (if relevant) for the purpose of sub-paragraph (3) below.

(3) The vehicle examiner shall consider whether subsection (4) of section 60A of the 1994 Act applies to the vehicle and, if he determines that to be the case he shall determine the design weight in accordance with that subsection.

(4) If the vehicle examiner determines that subsection (4) of section 60A of the 1994 Act does not apply to the vehicle, he shall determine the design weight having regard to the extent (if any) to which the last relevant certificate is no longer applicable.

(5) A vehicle examiner shall not be under any obligation to proceed with a design weight examination of a vehicle under this paragraph where on submission of the vehicle the applicant does not after being required to do so, produce to the vehicle examiner the last relevant certificate.

(6) When the vehicle examiner has determined the design weight in accordance with this paragraph, he shall—

- (a) if the last relevant certificate is a plating certificate, cause a design weight certificate to be issued and that plating certificate to be marked with an indication that a design weight certificate has been issued; or
- (b) if the last relevant certificate is a design weight certificate, issue a new design weight certificate in place of that certificate and mark the replaced certificate as cancelled.

(7) For the purpose of this paragraph “relevant certificate” means a plating certificate or a design weight certificate; and a reference to the “last relevant certificate”, in relation to a vehicle, is a reference to the last relevant certificate issued as respects the vehicle.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Appeals

4.—(1) Any person aggrieved by a determination made under these Regulations may appeal to the Secretary of State.

(2) A notice of appeal to the Secretary of State shall be delivered to the Goods Vehicle Centre not later than 14 days from the date of determination.

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

(4) A notice of appeal to the Secretary of State shall be accompanied by a fee of £25.

(5) The vehicle shall be submitted at the time and place appointed by the Secretary of State for a re-examination to be carried out by an officer (“the appeal officer”) appointed for the purpose by the Secretary of State.

(6) When the vehicle is so submitted, the person submitting it shall, if requested to do so by the appeal officer—

- (a) produce the design weight certificate issued as a consequence of the determination which is the subject of the appeal; and
- (b) give such information as may reasonably be required relating to any alteration made since the date of the determination appealed against which may have affected the design weight.

(7) 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 sub-paragraph (6) above.

(8) The Secretary of State shall make such determination on the basis of the re-examination as he thinks fit.

(9) When the Secretary of State has made a determination in accordance with this paragraph, he may issue a design weight certificate in place of the certificate issued as a consequence of the determination which is the subject of the appeal and if he does so he shall mark the replaced certificate as cancelled.

Conditions of acceptance of vehicle for examination

5.—(1) Without prejudice to paragraph 3(5) or 4(7) above, regulation 8(2) of the Plating and Testing Regulations shall apply to—

- (a) a design weight examination under paragraph 2 above as it applies to a first examination within the meaning of those Regulations;
- (b) a design weight examination under paragraph 3 above as it applies to re-examination under regulation 36 of those Regulations; and
- (c) a re-examination under paragraph 4 above as it applies to a re-examination on an appeal to which regulation 25 or 37 of those Regulations applies.

(2) In its application to this paragraph, regulation 8(2) of the Plating and Testing Regulations shall have effect as if sub-paragraph (n) were omitted and a reference to an examiner—

- (a) in relation to a design weight examination, were a reference to the vehicle examiner; and
- (b) in relation to a re-examination under paragraph 4 above, were a reference to the appeal officer.

Supervision of examination

6. Every design weight examination shall be carried out by or under the direction of a vehicle examiner.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the issue of design weight certificates and related matters for the purposes of the Vehicle Excise and Registration Act 1994.

Part VIII of Schedule 1 to the 1994 Act specifies the rate of vehicle excise duty payable in respect of most classes of goods vehicle by reference to “revenue weight”. “Revenue weight” is defined in section 60A. For certain vehicles it is the design weight. Section 61A enables regulations to make provision for the issue of a certificate (“design weight certificate”) stating the design weight of a vehicle and for various matters concerning design weight certificates.

Regulation 3

Regulation 3 and the Schedule make provision for applications for a design weight certificate and for the issue of such a certificate following an examination.

Regulation 4

Regulation 4 provides that a design weight certificate is to be conclusive evidence of the design weight of a vehicle at the time of the examination.

Regulation 5

Under section 7(5) of the 1994 Act the Secretary of State can refuse to issue a vehicle excise licence if he is not satisfied that the licence applied for is the appropriate licence for the vehicle in question. Regulation 5 specifies circumstances in which the Secretary of State can require a design weight certificate to be produced before he makes a determination for the purposes of section 7(5).

Regulation 6

Section 60A(5) of the 1994 Act provides that an adaptation reducing the design weight of a vehicle is to be disregarded unless it is a permanent adaptation. Regulation 6 provides that an adaptation is to be treated as permanent if and only if it is an adaptation with respect to which a design weight certificate has been issued.