
STATUTORY INSTRUMENTS

1995 No. 1684

FEES AND CHARGES

The Department of Transport (Fees) (Amendment) Order 1995

Made - - - - *30th June 1995*
Coming into force - - *1st July 1995*

Whereas a draft of this Order has been approved by a resolution of the House of Commons in pursuance of section 102(5) of the Finance (No. 2) Act 1987⁽¹⁾;

Now, therefore, the Secretary of State for Transport, in exercise of the powers conferred by section 102 of that Act, hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the Department of Transport (Fees) (Amendment) Order 1995 and shall come into force on the day after the day on which it is made.

Preliminary

2. The Department of Transport (Fees) Order 1988⁽²⁾ shall be further amended in accordance with the following provisions of this Order.

Amendments to Schedule 1

3.—(1) In Schedule 1 for Table III there shall be substituted the Table in Schedule 1 to this Order.

(2) In Schedule 1 for Table VI there shall be substituted the Table in Schedule 2 to this Order.

(1) 1987 c. 51.

(2) S.I.1988/643; relevant amending instruments are S.I. 1991/811 and S.I. 1993/1601.

Status: This is the original version (as it was originally made).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

Signed by authority of Secretary of State for Transport

30th June 1995

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

SCHEDULE 1

Regulation 3(1)

“Table III—

Road Traffic Act 1988(3)

(1) Fee-Fixing Power	(2) Specified Functions	(3) Specified matters as set out in Schedule 2, which apply.
<p>1. Section 46(c)(4) — power to prescribe in regulations the fees to be charged for an application, examination or appeal in relation to an annual test or retest of a motor vehicle to which section 45 applies in respect of—</p>	<p>A. Public service vehicles;</p> <p>(i) The functions of the Secretary of State in relation to the testing of public service vehicles under the Road Traffic Act 1988 and the Public Passenger Vehicles Act 1981.(5)</p> <p>(ii) Any other functions of the Secretary of State in relation to the testing of public service vehicles.</p>	<p>Paragraphs 1 to 7.</p>
<p>B. Vehicle other than public service vehicles.</p>	<p>(i) Functions of the Secretary of State in relation to the testing of vehicles to which section 45 applies, other than public service vehicles, under the Road Traffic Act 1988.</p> <p>(ii) Any other functions of the Secretary of State in relation to the testing of vehicles, to which section 45 applies, other than public service</p>	<p>Paragraphs 1 to 7.</p>

(3) 1988 c. 52; to which there are relevant amendments specified in the footnotes to the sections cited in this Schedule.
 (4) Section 45 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 52 and section 46 was amended by the Road Traffic Act 1991, Schedule 4, paragraph 53.
 (5) 1981 c. 14; section 6 was amended by the Road Traffic Act (Consequential Provisions) Act 1988 (c. 54), section 4 and Schedule 3; the Road Traffic Act 1991, Schedule 4, paragraph 14; the Criminal Justice Act 1982 (c. 48), sections 38 and 46. Section 10 was amended by the Road Traffic Act 1991, Schedule 4, paragraph 15.

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(1) Fee-Fixing Power	(2) Specified Functions	(3) Specified matters as set out in Schedule 2, which apply.
<p>2. Section 46(d)— the power to prescribe in regulations the charges to be made for the supply of forms for test certificates and notifications of such certificates.</p>	<p>vehicles, including, without prejudice to the generality of the foregoing:—</p> <ul style="list-style-type: none"> (a) inspections of premises, equipment, records, vehicles and testing station testing standards for enforcement purposes; (b) training, re-training and checking of the continuing competence of testers and authorised examiners; (c) enforcement action against testers and authorised examiners; (d) the issue of duplicate test certificates where a testing station’s authorisation has ceased; (e) functions in connection with appeal tests. <ul style="list-style-type: none"> (i) Functions of the Secretary of State in relation to the testing of vehicles to which section 45 applies, other than public service vehicles, under the Road Traffic Act 1988. (ii) Any other functions of the Secretary of State in relation to the testing of vehicles to which section 45 applies, other than public service vehicles, including, without prejudice to 	<p>Paragraph 1 to 7.</p>

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(1) Fee-Fixing Power	(2) Specified Functions	(3) Specified matters as set out in Schedule 2, which apply.
	<p>the generality of the foregoing:—</p> <ul style="list-style-type: none"> (a) inspections of premises, equipment, records, vehicles and testing station testing standards for enforcement purposes; (b) training, re-training and checking of the continuing competence of testers and authorised examiners; (c) enforcement action against testers and authorised examiners; (d) the issue of duplicate test certificates where a testing station’s authorisation has ceased; (e) functions in connection with appeal tests. 	
<p>3. Section 51(1)(6) — power to prescribe in regulations the fees to be paid in respect of—</p>		
<p>Goods vehicle plating and testing.</p>	<ul style="list-style-type: none"> (i) The functions of the Secretary of State in relation to the plating and testing of goods vehicles to which regulations under section 49 apply, under the Road Traffic Act 1988. (ii) Any other functions of the Secretary of State in relation to the plating and testing of goods vehicles 	<p>Paragraphs 1 to 7.</p>

(6) Section 51(1) was amended by the Road Traffic Act 1991, Schedule 4, paragraph 19 and Schedule 8.

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(1) Fee-Fixing Power	(2) Specified Functions	(3) Specified matters as set out in Schedule 2, which apply.
<p>4. Section 61(1) and (2)(7) — power to prescribe in regulations the fees and charges for the provision of services or facilities or the issue of certificates and other documents in respect of—</p>	<p>to which regulations under section 49 apply.</p>	
<p>Type approved of vehicles and parts.</p>	<p>The functions of the Secretary of State in relation to type approval certification under the Road Traffic Act 1988 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 7.</p>
<p>5. Section 89(4)(b)(8) — power to prescribe in regulations the fee for a test of competence to drive a motor vehicle to be paid by a person who submits himself for such a test, or applies for an appointment for such a test.</p>	<p>The functions of the Secretary of State in relation to tests of competence to drive a motor vehicle under Part III of the Road Traffic Act 1988.</p>	<p>Paragraphs 1 to 8.</p>
<p>6. Section 97(1)(9) — power to prescribe in regulations the fee in respect of the grant of a driving licence.</p>	<p>(i) The functions of the Secretary of State in relation to driver licensing under Parts III and IV of the Road Traffic Act 1988 and Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 and the functions of the traffic commissioners</p>	<p>Paragraphs 1 to 8</p>

(7) Section 61(2) was amended by the Road Traffic Act 1991, Schedule 4, paragraph 19 and Schedule 8.
 (8) Section 89(4) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), Schedule 3, paragraph 8.
 (9) Section 97(1) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989, Schedule 3, paragraph 9 and Schedule 6, and the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144).

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(1) Fee-Fixing Power	(2) Specified Functions	(3) Specified matters as set out in Schedule 2, which apply.
	<p>under the said Part IV and Schedule 1.</p> <p>(ii) The functions of the Secretary of State in relation to anything done by the European Communities or any of their institutions with respect to the minimum ages for driving, recognition of driving licences and tests and exchange of licences.</p> <p>(iii) All other functions of the Secretary of State in relation to driver licensing including, without prejudice to the generality of the foregoing—</p> <p>(a) carrying out enforcement work related to keeping records of endorsements and disqualifications and ensuring recovery of erroneous or revoked licences;</p> <p>(b) carrying out medical enquiries into the fitness of licence holders to drive following notifications which indicate that licence holders may have a medical condition requiring investigation;</p> <p>(c) work in connection with the investigation and prosecution of offences and enforcement action.</p>	

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(1) Fee-Fixing Power	(2) Specified Functions	(3) Specified matters as set out in Schedule 2, which apply.
<p>7. Section 97(3A)(e)(10) —power to prescribe in regulations the charges in connection with the supply of forms for certificates evidencing the successful completion of a course of training in the driving of motor bicycles.</p> <p>8. Section 125(3)(11) —power to prescribe in regulations the fee in respect of—</p>	<p>(i) The functions of the Secretary of State under the regulations.</p> <p>(ii) All other functions of the Secretary of State in relation to approved training courses for motor cyclists.</p>	<p>Paragraphs 1 to 8.</p>
<p>The entry of a person’s name in the register of approved driving instructors.</p>	<p>The functions of the Secretary of State and the Registrar in relation to the register of approved driving instructors under the Road Traffic Act 1988 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 8.</p>
<p>9. Section 125A(5)(12) —power to prescribe in regulations the fee in respect of—</p>		
<p>The entry of a person’s name in the register of approved driving instructors, with an indication that he is a disabled person.</p>	<p>The functions of the Secretary of State and the Registrar in relation to the register of approved driving instructors under the Road Traffic Act 1988 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 8.</p>
<p>10. Section 127(2)(13) —power to prescribe in regulations the fee in respect of</p>	<p>The functions of the Secretary of State and the Registrar in relation to the register of approved driving instructors</p>	<p>Paragraphs 1 to 8.</p>

(10) Section 97(3A) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 6.
 (11) Section 125 was amended by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c. 31), Schedule, paragraph 3.
 (12) Section 125A was inserted by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993, Schedule, section 1.
 (13) Section 127(2) was amended by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993, Schedule paragraph 5.

(1) Fee-Fixing Power	(2) Specified Functions	(3) Specified matters as set out in Schedule 2, which apply.
<p>— The retention of a person’s name in the register of approved driving instructors for a further period.</p>	<p>under the Road Traffic Act 1988 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	
<p>11. Section 129(2)(14) —power to prescribe in regulations the fee in respect of—</p>		
<p>The grant of a licence to give instruction in the driving of a motor car.</p>	<p>The functions of the Secretary of State and the Registrar in relation to the register of approved driving instructions under the Road Traffic Act 1988 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 8.</p>
<p>12. Section 132(2)— power to prescribe in regulations fee in respect of—</p>		
<p>Taking parts of the qualifying examination.</p>	<p>The functions of the Secretary of State and the Registrar in relation to the registrar of approved driving instructors under the Road Traffic Act 1988 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraph 1 to 8.”</p>

(14) Section 129 was amended by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993, section 2.

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SCHEDULE 2

Regulation 3(2)

“Table VI—

The Vehicle Excise and Registration Act 1994(15)

(1) Fee-Fixing Power	(2) Specified Functions	(3) Specified matters as set out in Schedule 2, which apply.
<p>1. Section 61A(16) — power to prescribe in regulations the fees to be paid for an application for an examination, or an appeal in relation to or for the issue of certificates.</p>	<p>(i) The functions of the Secretary of State in relation to the determination of the design weight of goods vehicles under the Vehicle Excise and Registration Act 1994.</p> <p>(ii) Any other functions of the Secretary of State in relation to the determination of the design weight of goods vehicles.</p>	<p>Paragraphs 1 to 7.”</p>

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Department of Transport (Fees) Order 1988 by substituting a new Table III and Table VI in Schedule 1.

The new Table III specifies functions and matters which are to be taken into account in the determination of fees and charges to be fixed by the Secretary of State under the Road Traffic Act 1988. It contains drafting changes as a result of the replacement of the Road Traffic Act 1972 (c. 20) by the Road Traffic Act 1988 and subsequent amendments to the 1988 Act.

The new Table III also makes specific provision in relation to charges under section 46(d) of the 1988 Act for the supply of test certificate forms. Further light goods vehicles to which section 45 of the Road Traffic Act 1988 applies are treated in the same way as passenger vehicles.

A person who drives a motor bicycle but does not hold a full licence to do so is required to undergo a course of off-road and on-road basic training (“compulsory basic training”) before he can drive on a public road unsupervised, or before he can take a test of competence to drive a motor bicycle. Compulsory basic training replaced Part I of the test for motor bicycles which, after the 31st May

(15)

1994 c. 22.

(16) Sections 60A and 61A were inserted by the Finance Act 1995 (c. 4), section 15, Schedule 4, paragraphs 24 and 26.

1991, ceased to exist. As a consequence references to Part I and II of the test for motor bicycles have been removed.

Table III also specifies functions and matters which are to be taken into account in fixing fees under section 125A of the 1988 Act. Section 125A was inserted in the 1988 Act by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 and amongst other things enables the Secretary of State to prescribe a fee for entering a person's name in the register of approved driving instructors with an indication that he is a disabled person.

The new Table VI specifies functions and matters which are to be taken into account in the determination of fees to be fixed by the Secretary of State under section 61A of the Vehicle Excise and Registration Act 1994. Section 61A was inserted into the 1994 Act by the Finance Act 1995 and comes into force on the 1st July 1995. Amongst other things it enables the Secretary of State to prescribe a fee for the issue of certificates which state the design weight of a vehicle.