
STATUTORY INSTRUMENTS

1997 No. 263

ROAD TRAFFIC

**The Goods Vehicles (Plating and Testing)
(Amendment) (No. 2) Regulations 1997**

<i>Made</i>	- - - -	<i>6th February 1997</i>
<i>Laid before Parliament</i>		<i>11th February 1997</i>
<i>Coming into force</i>		
<i>For the purposes of regulation 12 and of the Schedule</i>		<i>1st April 1997</i>
<i>For all other purposes</i>		<i>5th March 1997</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 49, 50, and 63A of the Road Traffic 1988 Act⁽¹⁾ (“the 1988 Act”), section 128 of the Finance Act 1990⁽²⁾, and all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of the 1988 Act, hereby makes the following Regulations:—

Citation and Commencement

1.—(1) These Regulations may be cited as the Goods Vehicles (Plating and Testing) (Amendment) (No. 2) Regulations 1997.

(2) These Regulations shall come into force for the purposes of regulation 12 and of the Schedule on 1st April 1997 and for all other purposes on 5th March 1997.

Preliminary

2. The Goods Vehicles (Plating and Testing) Regulations 1988⁽³⁾ shall be further amended as follows.

(1) 1988 c. 52; section 49 is amended by paragraph 54 of Schedule 4 to the Road Traffic Act 1991 (c. 40) and section 50 is amended by paragraph 55 of that Schedule and by Schedule 8 to that Act. Section 63A was inserted by section 18 of the Transport Act 1982 (c. 49) which came into force on 1st August 1996 by virtue of S.I. 1996/1943.
(2) 1990 c. 29.
(3) S.I. 1988/1478; relevant amending instruments are S.I. 1990/448, 1993/2048, 1994/328.

Regulation 3 (interpretation)

- 3.—(1) Regulation 3(1) shall be amended as follows.
- (2) After the definition of “appeal officer” there shall be inserted the following definition—
- ““appropriate day”, means—
- (a) in relation to a vehicle which is a motor vehicle, the last day of the calendar month in which falls the first anniversary of the date on which it was registered; and
 - (b) in relation to a vehicle which is a trailer, the last day of the calendar month in which falls the first anniversary of the date on which it was first sold or supplied by retail;”.
- (3) In the definition of “examination”, for sub-paragraph (e) there shall be substituted the following sub-paragraph—
- “(e) an examination or re-examination for the purposes of an appeal against a determination made under these Regulations;”.
- (4) For the definition of “first examination” there shall be substituted—
- ““first examination” means an examination or, as the case may be, examinations for which a vehicle is submitted under regulation 9;”.
- (5) The definition of “the standard lists” shall be omitted.

Regulation 8 (conditions of acceptance of vehicle)

4. For regulation 8(1) there shall be substituted the following paragraph—
- “(1) In this regulation, “examiner” means—
- (a) in relation to an examination not being an examination for the purposes of an appeal against a determination under these Regulations, a vehicle examiner; or
 - (b) in relation to an examination for the purposes of an appeal against a determination under these Regulations, the appeal officer.”

Regulation 9 (dates by which vehicles are to be submitted for first examination)

5. For regulation 9 there shall be substituted the following regulation—
- “9.—(1) Every motor vehicle to which paragraph (3) applies shall be submitted for a goods vehicle test on or before the appropriate day.
- (2) Every motor vehicle to which paragraph (3) does not apply and every trailer shall be submitted for both a plating examination and a goods vehicle test on or before the appropriate day.
- (3) This paragraph applies to a motor vehicle if the following requirements are met, namely—
- (a) a plating certificate is in force for the vehicle; and
 - (b) that plating certificate is a certificate of conformity or a Minister’s approval certificate that is treated as a plating certificate by virtue of section 59(4) of the 1988 Act.
- (4) Paragraphs (1) and (2) shall not prevent the Secretary of State authorising the submission of a vehicle for a first examination after the date by which the vehicle is required by those paragraphs to be submitted for first examination.”

Regulation 10 (dates by which vehicles are to be submitted for periodical tests)

6. For regulation 10 there shall be substituted the following regulation—

“10.—(1) Where a goods vehicle test certificate for a vehicle is issued on an examination, the vehicle shall be submitted for a further examination before the certificate expires.

(2) Where a goods vehicle test certificate for a vehicle is refused on an examination, the vehicle shall be submitted for a further examination—

- (a) if one goods vehicle certificate is in force for the vehicle at the time of the refusal, before the expiration of the certificate;
- (b) if more than one goods vehicle certificate is in force for the vehicle at the time of the refusal, before the expiration of the last of those certificates to have been issued; or
- (c) in any other case, on or before the appropriate day or before the vehicle is used on a road (whichever is the later).

(3) Paragraphs (1) and (2) and regulation 11 shall not prevent the Secretary of State authorising the submission of a vehicle for a periodical test after the date by which the vehicle is required by those provisions to be submitted for a periodical test.”

Regulation 11 (period of validity of goods vehicle test certificate)

7. For regulation 11 there shall be substituted the following regulation—

“11.—(1) A goods vehicle test certificate issued in the circumstances described in column (2) of an item in the Table below shall be valid for the period described in column (3) of that item.

(1) Item	(2) Circumstances	(3) Period of validity
1.	Vehicle submitted for a first examination during the two month period ending with the appropriate day.	The period beginning with the date of issue of the certificate and ending with the first anniversary of the appropriate day.
2.	Vehicle submitted for a periodical test during the two month period ending with the expiry date of a current goods vehicle test certificate.	The period beginning with the date of issue of the certificate and ending with the first anniversary of the expiry date of that certificate.
3.	Vehicle submitted for a periodical test in circumstances other than those described in items 1 and 2 of this Table.	The period beginning with the date of issue of the certificate and ending with the last day of the same calendar month in the following year.

(2) In this regulation, a reference to the end of a period is a reference to the end of the final day of that period.”

Substitution of heading to Part III

8. For the heading to Part III, there shall be substituted the following heading—
“EXAMINATION FOR PLATING ON A FIRST EXAMINATION”

Revocation of regulations 17, 18 and 19 (examination for plating)

9. Regulations 17, 18 and 19 shall be omitted.

Amendments to regulation 20 (examination for plating)

- 10.—(1) Regulation 20(1) shall be amended as follows.

(2) For the words preceding sub-paragraph (a) there shall be substituted the words “Where a vehicle is submitted for an examination for plating on a first examination, a vehicle examiner shall determine the plated weights of the vehicle having regard—”.

(3) In sub-paragraph (e), for the words after “motor vehicle,” there shall be substituted the words “the requirements of regulations 15, 16 and 18 of the Construction and Use Regulations;”.

New regulation 25A (interpretation of Part IV)

11. In Part IV, before regulation 26, there shall be inserted the following—

“Interpretation of this Part

25A. In this Part, a reference to a periodical test includes a goods vehicle test carried out pursuant to regulation 22.”

New Part VA (alteration of plated weights without examination)

12. After Part V there shall be inserted the Part set out in the Schedule to these Regulations.

Consequential amendments

- 13.—(1) In regulation 8(2), sub-paragraph (n) shall be omitted.
- (2) In regulation 21—
- (a) in paragraph (1) the words “save as provided in paragraph (2)” shall be omitted and after the words “examination for plating” there shall be inserted the words “on a first examination”;
 - (b) paragraph (2) shall be omitted; and
 - (c) in paragraph (3)(b)—
 - (i) in sub-paragraph (iii), “19,” and
 - (ii) sub-paragraph (iv),shall be omitted.
- (3) For regulation 22 there shall be substituted the following regulation—
- “22.** After an examination for plating has been carried out on a vehicle, a goods vehicle examiner shall arrange for the vehicle to undergo a goods vehicle test.”
- (4) In regulation 25(11)(b), sub-paragraph (i) shall be omitted.
- (5) For regulation 31 there shall be substituted the following regulation—

“31. In the following provisions of this Part, a reference to a re-examination shall where appropriate be read as a reference to an examination that is not a re-examination.”

(6) In regulation 36(4), sub-paragraph (b) shall be omitted.

(7) In regulation 37(4)(b), sub-paragraph (ii) shall be omitted.

(8) In regulation 41(3), for “17” there shall be substituted “20”.

(9) In regulation 43(2)(c), for the words “in regulation 17(2)(a) and” there shall be substituted the words “in regulation”.

Signed by authority of the Secretary of State for Transport

6th February 1997

John Bowis
Parliamentary Under Secretary of State,
Department of Transport

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

THE SCHEDULE

Regulation 12

NEW PART VA OF THE GOODS VEHICLES (PLATING AND TESTING) REGULATIONS 1988

“PART VA

ALTERATION OF PLATED WEIGHTS WITHOUT EXAMINATION

Introduction

37A.—(1) This Part of these Regulations has effect by virtue of section 63A of the 1988 Act.

(2) The plated weights (or any of the plated weights) for a vehicle may be determined in accordance with the provisions of this Part, without an examination under these Regulations or under regulations made under section 61 of the 1988 Act.

(3) The plated weights for a vehicle may only be determined under this regulation if—

- (a) a plating certificate is in force for the vehicle, and
- (b) the alteration applied for would not affect the safety of the vehicle on the road.

Application for alteration of plated weights without examination

37B.—(1) Any person wishing the plated weights (or any of the plated weights) for a vehicle to be determined under regulation 37A(2) shall make an application for that purpose to the Secretary of State.

(2) Such an application shall be in the form approved by the Secretary of State, shall contain the particulars required by the form and shall be accompanied by a fee of £13.50.

Disposal of applications

37C.—(1) This regulation applies where an application is made under regulation 37B.

(2) Where the application falls to be determined under regulation 37A(2), a person authorised in that behalf by the Secretary of State (“an authorised person”) shall make such a determination and then—

- (a) by notice inform the applicant that, on the information before him, he considers that the plated weights shown on the plating certificate are appropriate;
- (b) amend the plating certificate; or
- (c) issue a new plating certificate in place of the certificate previously in force and mark that previous certificate as cancelled.

(3) An authorised person amending or cancelling a plating certificate shall authenticate the amendment or cancellation by showing on the certificate or on a document securely attached to it his name and the date on which the amendment or cancellation takes effect.

(4) A new plating certificate issued under this regulation shall be signed by the authorised person who made the determination.

(5) The Secretary of State shall repay the fee paid on the application where—

- (a) the application does not fall to be determined under regulation 37A(2); or
- (b) the authorised person issues a notice in accordance with paragraph (2)(a).

Appeals

37D. Regulation 37, shall apply with appropriate modifications to an appeal under section 63A(2) of the 1988 Act as it applies to an appeal by a person aggrieved by a determination made on a re-examination of a vehicle under Part V of these Regulations.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Goods Vehicles (Plating and Testing) Regulations 1988 as follows—

1. In regulation 3 of the 1988 Regulations a definition of “appropriate day” is inserted and new definitions of “examination” and “first examination” are substituted for the existing definitions. The definition of “the standard lists” is omitted.

2. Regulation 4 amends regulation 8 of the 1988 Regulations by substituting a new meaning of “examiner”.

3. Regulation 5 substitutes an amended regulation 9 in the 1988 Regulations which sets out the method by which the date for submitting vehicles for first examination is to be determined. The effect is that the requirement to have a first examination no longer applies to a motor vehicle where a certificate of conformity or a Minister’s approval certificate has been issued.

4. Regulation 6 substitutes an amended regulation 10 in the 1988 Regulations which sets out the method by which the date for submitting vehicles for periodical tests is to be determined. The effect is that a test certificate is only required if the vehicle is used on the road.

5. Regulation 7 substitutes an amended regulation 11 in the 1988 Regulations which sets out the period for which a goods vehicle test certificate is to be valid. The effect is that where a vehicle is tested within two months before the date by which it is first required to have a certificate, the twelve month period is extended to twelve months from that date.

6. Regulation 8 substitutes a new heading for Part III of the 1988 Regulations.

7. Regulation 9 revokes regulations 17, 18 and 19 of the 1988 Regulations which made provision for examination for plating.

8. Regulation 10 amends the opening words of regulation 20(1) of the 1988 Regulations so that the provisions of the paragraph apply to all determinations of the plated weights of vehicles on a first examination. It also amends regulation 20(1)(e) by substituting the requirements as to brakes specified in the Road Vehicles (Construction and Use) Regulations 1986.

9. Regulation 11 provides that a goods vehicle test carried out pursuant to regulation 22 of the 1988 Regulations is included in references to a periodical test.

10. Regulation 12 inserts a new Part VA in the 1988 Regulations. This Part provides for the alteration of plated weights without examination.

11. Regulation 13 makes consequential amendments in regulations 8(2), 21, 22 and 31 of the 1988 Regulations.

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

A compliance cost assessment has been prepared and copies can be obtained from the Department of Transport, Zone 2/05, Great Minster House, 76 Marsham Street, London SW1P 4DR (Telephone 0171-271-4653). A copy has been placed in the library of each House of Parliament.