
STATUTORY INSTRUMENTS

1997 No. 81

ROAD TRAFFIC

The Motor Vehicles (Tests) (Amendment) Regulations 1997

<i>Made</i>	- - - -	<i>20th January 1997</i>
<i>Laid before Parliament</i>		<i>28th January 1997</i>
<i>Coming into force</i>	- -	<i>3rd March 1997</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 45 and 46 of the Road Traffic Act 1988(1) and the Department of Transport (Fees) Order 1988(2), and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) Regulations 1997 and shall come into force on 3rd March 1997.

Preliminary

2. The Motor Vehicles (Tests) Regulations 1981(3) shall be further amended in accordance with the following provisions of these Regulations.

Amendment to regulation 3 (interpretation)

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

(2) For the definition of “goods vehicle testing station” there shall be substituted—

““goods vehicle testing station” means a station provided by the Secretary of State under section 52(2) of the Road Traffic Act 1988;”.

(3) For the definition of “vehicle testing station” there shall be substituted—

““vehicle testing station” means premises at which the Secretary of State has authorised an examiner to carry out examinations, premises provided by a designated council or the Secretary

(1) 1988 c. 52; sections 45 and 46 were amended by paragraphs 52 and 53 of Schedule 4 to the Road Traffic Act 1991 (c. 40).
(2) S.I. 1988/643, which was made under section 102 of the Finance (No. 2) Act 1987 (c. 51). The relevant amending instruments are S.I. 1995/1684 and S.I. 1996/1961 and the relevant entry in Table III is item 1.
(3) S.I. 1981/1694; relevant amending instruments are S.I. 1982/783 and 814, 1983/1434, 1984/401 and 1126, 1986/372, 1989/1694, 1990/628, 1991/455, 1525 and 2229, 1992/566 and 3160, 1993/3011 and 1995/2438.

of State for carrying out examinations, or premises for the time being designated by the Secretary of State under section 8(3) of the 1981 Act(4).”

- (4) After the definition of “normal working week” there shall be inserted the following definition—
- ““out of hours” means at any time either—
- (a) on any day which is a Saturday, Sunday, Good Friday, Christmas Day or a Bank holiday (as defined in the Banking and Financial Dealings Act 1971)(5); or
 - (b) on any other day, other than between—
 - (i) 8.00 am and 5.00 pm on a Monday to Thursday inclusive, or
 - (ii) 8.00 am and 4.30 pm on a Friday;”.

Amendments relating to fees

4.—(1) In regulation 20(1)(e)(i) for “12” there shall be substituted “16” and for “£40.30” there shall be substituted “£39.70”.

- (2) For paragraph (2A) of regulation 20 there shall be substituted the following paragraphs—

“(2A) Subject to paragraph (2B), where, in the case of a vehicle in Class VI, the time appointed for an examination is, at the applicant’s request, out of hours, the fee payable for the examination shall be increased by £27.50 in the case of a vehicle which is constructed or adapted to carry more than 16 passengers, and £20.00 in any other case, such additional amount being payable at or before the time of the appointment.

(2B) Where, in the case of a vehicle in Class VI, the vehicle testing station appointed for an examination is, at the applicant’s request, one which was designated under section 8(3) of the 1981 Act after 10th April 1995, the fee payable for the examination shall be increased, or, in a case where paragraph (2A) applies, further increased, by £6.25, such additional amount being payable at or before the time of the appointment.”

- (3) For paragraph (4) of regulation 20 there shall be substituted the following paragraph—

“(4) Where, on an examination of a vehicle of a description specified in column 1 of the Table, it is found that some or all of the prescribed statutory requirements are not complied with, or when, in the circumstances mentioned in regulation 16, a full examination of the braking system or systems of the vehicle is not carried out, then the fee payable in respect of a further examination—

- (a) subject to sub-paragraph (c), in a case where the time appointed for the further examination is, at the applicant’s request, out of hours, shall be as shown in column 3 of the Table in relation to a vehicle of that description;
- (b) subject to sub-paragraph (c), in a case where the vehicle testing station appointed for an examination is, at the applicant’s request, one which was designated under section 8(3) of the 1981 Act after 10th April 1995, shall be as shown in column 4 of the Table in relation to a vehicle of that description;
- (c) in a case where both sub-paragraph (a) and (b) apply, shall be as shown in column 5 of the Table in relation to a vehicle of that description, and
- (d) in any other case, shall be as shown in column 2 of the Table in relation to a vehicle of that description.

(4) 1981 c. 14; section 8(3) was amended by sections 11 and 83 of, and Schedule 8 to, the Road Traffic Act 1991 (c. 40).

(5) 1971 c. 80.

TABLE**FEEES RELATING TO THE RE-EXAMINATION OF VEHICLES IN CLASS VI**

Column 1 Description of Vehicle	Column 2 Normal Fee	Column 3 Out of Hours Fee	Column 4 Designated Premises Fee	Column 5 Out of Hours at Designated Premises Fee
Vehicles in Class VI constructed or adapted to carry more than 16 passengers.	(a) £19.00, if the vehicle is submitted for a further examination within 14 days of the date of the issue of the notice of refusal of a test certificate, or (b) £39.70, in any other case.	(a) £32.75, in the circumstances described in paragraph of the entry in column 2, or (b) £67.20, in any other case.	(a) £22.50, in the circumstances described in paragraph of the entry in column 2, or (b) £45.95, in any other case.	(c) £36.25, in the circumstances described in paragraph of the entry in column 2, or (b) £73.45, in any other case.
Other vehicles in Class VI	(a) £13.60, if the vehicle is submitted for a further examination within 14 days of the date of the issue	(a) £23.60, in the circumstances described in paragraph of the entry in column 2, or (b) £48.20, in any other case	(a) £17.10, in the circumstances described in paragraph of the entry in column 2, or (b) £34.45, in any other case.	(a) £27.10, in the circumstances described in paragraph of the entry in column 2, or (b) £54.45, in any other case.”

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Column 1 Description of Vehicle	Column 2 Normal Fee	Column 3 Out of Hours Fee	Column 4 Designated Premises Fee	Column 5 Out of Hours at Designated Premises Fee
	of the notice of refusal of a test certificate, or (b) £28.20, in any other case.			

Signed by authority of the Secretary of State for Transport

20th January 1997

John Bowis
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (Tests) Regulations 1981 (“the 1981 Regulations”).

The normal fees payable for testing Class VI vehicles (public service vehicles other than those of a type specified in regulation 5(3) of the 1981 Regulations) are determined in accordance with the number of passengers that a vehicle is constructed or adapted to carry. By regulation 4 the break-point is increased from 12 to 16 passengers.

Whereas supplementary fees were formerly payable for examinations or further examinations carried out at the applicant’s request on a Saturday, such fees will now be payable where the examination or further examination is carried out at the applicant’s request, “out of hours”. By regulation 3 a definition of “out of hours” is inserted into regulation 3 (interpretation) of the 1981 Regulations.

By regulation 4 new supplementary fees are introduced where examinations or further examinations are carried out at the applicant’s request at premises which were designated by the Secretary of State under section 8(3) of the Public Passenger Vehicles Act 1981 after 10th April 1995.

By regulation 3 consequential amendments are made to the definitions of “vehicle testing station” and “goods vehicle testing station”.

The fees payable for testing Class VI vehicles are now, in accordance with regulation 4, as follows.

- (a) The fee payable for an examination of a vehicle constructed or adapted to carry more than 16 passengers is £39.70. Where the appointment for such an examination is, at the applicant’s request, “out of hours”, the supplement to the normal fee is £27.50. Where the vehicle testing station appointed for such an examination is, at the applicant’s request, one which was designated after 10th April 1995, the supplement or, in a case which is “out of hours”, further supplement, is £6.25.
- (b) The fee payable for a re-examination of such a vehicle within 14 days of the date of the issue of the notice of refusal of a test certificate, is £19.00. Where the appointment for such a re-examination is, at the applicant’s request, “out of hours”, the supplement to the normal fee is £13.75. Where the vehicle testing station appointed for such a re-examination is, at the applicant’s request, one which was designated after 10th April 1995, the supplement, or in a case which is “out of hours”, further supplement, is £3.50.
- (c) The fee payable for a re-examination of such a vehicle later than 14 days from the issue of the notice of refusal is £39.70. Where the appointment for such a re-examination is, at the applicant’s request, “out of hours”, the supplement to the normal fee is £27.50. Where the vehicle testing station appointed for such a re-examination is, at the applicant’s request, one which was designated after 10th April 1995, the supplement or, in a case which is “out of hours”, further supplement, is £6.25.
- (d) The fee payable for an examination of a vehicle in any other case is £28.20. Where the appointment for such an examination is, at the applicant’s request, “out of hours”, the supplement to the normal fee is £20.00. Where the vehicle testing station appointed for such an examination is, at the applicant’s request, one which was designated after 10th April 1995, the supplement, or in a case which is “out of hours”, further supplement, is £6.25.

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- (e) The fee payable for a re-examination of such a vehicle within 14 days of the date of the issue of the notice of refusal of a test certificate, is £13.60. Where the appointment for such a re-examination is, at the applicant's request, "out of hours", the supplement to the normal fee is £10.00. Where the vehicle testing station appointed for such a re-examination is, at the applicant's request, one which was designated after 10th April 1995, the supplement or, in a case which is "out of hours", further supplement, is £3.50.
- (f) The fee payable for a re-examination of such a vehicle later than 14 days from the issue of the notice of refusal is £28.20. Where the appointment for such a re-examination is, at the applicant's request, "out of hours", the supplement to the normal fee is £20.00. Where the vehicle testing station appointed for such a re-examination is, at the applicant's request, one which was designated after 10th April 1995, the supplement or, in a case which is "out of hours", further supplement, is £6.25.

In the case of Class VI vehicles, the fee payable on an appeal, where a notice of the refusal of a test certificate has been issued, is the same as the fee payable under regulation 20(1). Accordingly the fee payable on an appeal in the case of a vehicle in Class VI constructed or adapted to carry more than 16 passengers is £39.70. In any other case the fee is £28.20.