

2001 No. 2486

ROAD TRAFFIC

The Motor Vehicles (Approval) (Fees) Regulations 2001

<i>Made</i> - - - - -	<i>10th July 2001</i>
<i>Laid before Parliament</i>	<i>11th July 2001</i>
<i>Coming into force</i> - -	<i>1st August 2001</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred by section 61(1) and (2) of the Road Traffic Act 1988(a), and of powers conferred by the Department of Transport (Fees) Order 1988(b) and section 128 of the Finance Act 1990(c) and of all other powers enabling him in that behalf, and in relation to the exercise of the powers conferred by section 61(1) and (2) of the Road Traffic Act 1988, after consultation with representative organisations in accordance with the provisions of section 195(2) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Approval) (Fees) Regulations 2001 and shall come into force on 1st August 2001.

Interpretation

2.—(1) In these Regulations—

“appeal” means an appeal made in accordance with regulation 9 of the Approval Regulations;

“the Approval Regulations” means the Motor Vehicles (Approval) Regulations 2001(d);

“exceptional circumstances” means an accident, a fire, an epidemic, severe weather, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non delivery of spare parts for that vehicle);

“further application” means an application made in accordance with regulation 6(6) of the Approval Regulations;

“goods vehicle” means a motor vehicle of a kind referred to in regulation 4(1)(b) of the Approval Regulations;

“model report” means a collection of data and information about a vehicle which is not a Schedule 2 vehicle that has been submitted by an applicant for the purposes of approval of other vehicles of the same model under regulation 5(1)(b) of the Approval Regulations and which demonstrates to the satisfaction of the Secretary of State compliance with the relevant provisions of Schedule 4 to the Approval Regulations;

“original application” means an application made in accordance with regulation 6(1) to (3) of the Approval Regulations, not being a further application;

(a) 1988 c. 52; section 61 was amended by Schedule 8 to the Road Traffic Act 1991 (c. 40).

(b) S.I. 1988/643, which was made under section 102 of the Finance (No.2) Act 1987 (c. 51). The relevant reference in S.I. 1988/643 is Table III of Schedule 1. Relevant amending instruments are S.I. 1995/1684 and 1996/1961.

(c) 1990 c. 29.

(d) S.I. 2001/25.

“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^(a)); or
- (b) on any other day, other than between—
 - (i) 8.00 am and 5.00 p.m. on a Monday to Thursday inclusive, or
 - (ii) 8.00 am and 4.30 p.m. on a Friday;

“passenger vehicle” means a vehicle to which the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984^(b) apply;

“relevant vehicle” means a vehicle to which the Approval Regulations apply;

“same model” means, in relation to two or more vehicles, vehicles that are the same as each other in all the aspects of their technical specification relevant to the subject matter of Schedule 4 to the Approval Regulations; and

“Schedule 2 vehicle” has the same meaning as in Schedule 2 to the Approval Regulations.

Application

3. These Regulations apply to every motor vehicle to which Part II of the Approval Regulations applies.

Fees-application for Minister’s approval certificate

4.—(1) Subject to paragraphs (2) to (4) below, the fee prescribed for the purposes of regulation 6(3)(b) of the Approval Regulations, in respect of an original application, is—

- (a) £150 in the case of any passenger vehicle which is a Schedule 2 vehicle;
- (b) £60 in the case of any goods vehicle which is a Schedule 2 vehicle;
- (c) £190 in the case of any passenger vehicle which is not a Schedule 2 vehicle but which is the subject of a model report;
- (d) £180 in the case of any passenger vehicle which is not a Schedule 2 vehicle and is not the subject of a model report;
- (e) £100 in the case of any goods vehicle which is not a Schedule 2 vehicle but which is the subject of a model report; and
- (f) £90 in the case of any goods vehicle which is not a Schedule 2 vehicle and is not the subject of a model report.

(2) Subject to paragraphs (3) and (4), where the condition specified in regulation 5(8)(c) of the Approval Regulations applies, the fee prescribed for the purposes of regulation 6(3)(b) of those Regulations is—

- (a) in the case of any Schedule 2 vehicle, £60;
- (b) in the case of any vehicle which is not a Schedule 2 vehicle but which is the subject of a model report, £100; and
- (c) in the case of any vehicle which is not a Schedule 2 vehicle and which is not the subject of a model report, £90.

(3) Subject to paragraph (4) below, where the time appointed for the examination of a vehicle for the purposes of such an application is, at the applicant’s request, out of hours—

- (a) The fees prescribed by paragraph (1) shall be increased by—
 - (i) £75 in the case of any passenger vehicle;
 - (ii) £25 in the case of any goods vehicle; and
- (b) The fees prescribed by paragraph (2)(b) or (c) shall be increased by £20 in the case of any vehicle,

such additional amounts being payable before the examination is carried out.

(4) Where an original application is refused by virtue of regulation 10 of the Approval Regulations, the fee prescribed for the purposes of regulation 6(3)(b) of those Regulations shall be £50 in all cases and the balance of any sum previously paid in respect of that fee shall be repaid to the applicant.

(a) 1971 c. 80.

(b) S.I. 1984/981; relevant amending instruments are S.I. 1984/1761, 1987/1509, 1988/1522, 1989/1580, 1991/1022, 1992/1341, 2161 and 2908, 1993/2201 and 1995/1322.

5.—(1) Subject to paragraph (2), the fee prescribed for the purposes of regulation 6(7)(d) of the Approval Regulations, in respect of a further application, is—

- (a) £30 in the case of any passenger vehicle; and
- (b) £15 in the case of any goods vehicle.

(2) Where the time appointed for the examination of a vehicle for the purposes of such an application is, at the applicant's request, out of hours, the fee prescribed by paragraph (1) shall be increased by—

- (a) £15 in the case of any passenger vehicle; and
- (b) £6 in the case of any goods vehicle,

such additional amount being payable before the examination is carried out.

(3) Any fee which would otherwise be payable by virtue of regulation 6(7)(d) of the Approval Regulations, in respect of a further application, shall not be payable if, by agreement, the vehicle is submitted for examination at the place at which it was previously examined before the end of the fifth day following that examination on which the Secretary of State will accept vehicles for examination and—

- (a) the requirements of paragraph (4) are met in the case of any passenger vehicle; or
- (b) the requirements of paragraph (5) are met in the case of any goods vehicle.

(4) The requirements of this paragraph are that the further application must be due only to a failure to comply with—

- (a) the requirements of one or more of the following items of the Table in Schedule 3 to the Approval Regulations—
 - (i) item 6 in so far as those requirements are not those relating to angles of visibility or position;
 - (ii) item 8;
 - (iii) item 17 in so far as there are no more than three separate examples of a failure to comply with those requirements;
 - (iv) item 18 in so far as there are no more than three separate examples of a failure to comply with those requirements;
 - (v) item 20, 21 or 22;
- (b) the requirements of one or more items of the Table in Schedule 3 to the Approval Regulations in respect of which sufficient documentary evidence is produced to the Secretary of State before the examination to satisfy him as to compliance with those requirements;
- (c) the requirement in item 11 of the Table in Schedule 4 to display a child restraint warning label,

or any combination of sub-paragraphs (a), (b) or (c) above.

(5) The requirements of this paragraph are that the further application must be due only to a failure to comply with the requirements of—

- (a) item 22 of the Table in Schedule 3 to the Approval Regulations;
- (b) one or more items of that Table in respect of which sufficient documentary evidence is produced to the Secretary of State before the examination to satisfy him as to compliance with the requirements of those items; or
- (c) item 25 of the Table in Schedule 3 to the Approval Regulations.

Fees-general provisions

6. If the applicant—

- (a) has before the time appointed for the examination of a vehicle for the purposes of either an original application or a further application given the Secretary of State 3 clear days notice (whether in writing or otherwise) at the place appointed for that examination that he does not propose to submit the vehicle for examination at that time; or

- (b) satisfies the Secretary of State that the vehicle cannot, or as the case may be, could not be submitted for examination at the time appointed because of exceptional circumstances occurring not more than 5 days before that time and of which the applicant gives notice to the Secretary of State (whether in writing or otherwise) within 3 days of the occurrence of those circumstances,

then, unless another time is arranged for the examination, the application shall be treated as one in respect of which no fee is payable and any sum previously paid in respect of that application shall be repaid to the applicant.

Fees-appeals

7.—(1) Subject to paragraphs (2) and (3) below, the fee prescribed for the purposes of regulation 9(2) of the Approval Regulations in respect of an appeal is—

- (a) £150 in the case of any passenger vehicle which is a Schedule 2 vehicle;
- (b) £60 in the case of any goods vehicle which is a Schedule 2 vehicle;
- (c) £190 in the case of any passenger vehicle which is not a Schedule 2 vehicle but which is the subject of a model report;
- (d) £180 in the case of any passenger vehicle which is not a Schedule 2 vehicle and which is not the subject of a model report;
- (e) £100 in the case of any goods vehicle which is not a Schedule 2 vehicle but which is the subject of a model report; and
- (f) £90 in the case of any goods vehicle which is not a Schedule 2 vehicle and is not the subject of a model report.

(2) Subject to paragraph (3) below, where the time appointed for the re-examination of a vehicle for the purposes of such an appeal is, at the appellant's request, out of hours, the fee prescribed by paragraph (1) shall be increased by—

- (a) £75 in the case of any passenger vehicle which is a Schedule 2 vehicle; and
- (b) £25 in the case of any goods vehicle which is a Schedule 2 vehicle,

such additional amount being payable before the re-examination is carried out.

(3) Where an appeal is refused by virtue of regulation 10 of the Approval Regulations, the fee prescribed for the purposes of regulation 9(2) of those Regulations shall be—

- (a) £150 in the case of any passenger vehicle which is a Schedule 2 vehicle;
- (b) £60 in the case of any goods vehicle which is a Schedule 2 vehicle;
- (c) £190 in the case of any passenger vehicle which is not a Schedule 2 vehicle but which is the subject of a model report;
- (d) £180 in the case of any passenger vehicle which is not a Schedule 2 vehicle and which is not the subject of a model report;
- (e) £100 in the case of any goods vehicle which is not a Schedule 2 vehicle but which is the subject of a model report;
- (f) £90 in the case of any goods vehicle which not a Schedule 2 vehicle and is not the subject of a model report,

and the balance, if any, of any sum previously paid in respect of that fee shall be repaid to the appellant.

Provisions as to fees on appeal

8.—(1) After the completion of a re-examination of a vehicle for the purposes of an appeal, the Secretary of State may, as he thinks fit, repay to the appellant either the whole or part of the fee paid on the appeal, where it appears to him that there were substantial grounds for contesting the whole or part of the determination against which the appeal was made.

(2) If the appellant—

- (a) has before the time appointed for such a re-examination given the Secretary of State two clear days notice (whether in writing or otherwise) at the office at which his appeal was lodged that he does not propose to submit the vehicle for re-examination at that time; or
- (b) satisfies the Secretary of State that the vehicle cannot or, as the case may be, could not be submitted for re-examination at the time appointed because of exceptional

circumstances occurring not more than 5 days before that time and of which the appellant gives notice to the Secretary of State (whether in writing or otherwise) within 3 days of the occurrence of those circumstances, then, unless another time is arranged for the re-examination, the appeal shall be treated as one in respect of which no fee is payable and any sum previously paid in respect of that appeal shall be repaid to the appellant.

Fees-replacement certificates

9. The fee prescribed for the purposes of regulation 12(2)(b) of the Approval Regulations is £10.

Provisions as to notices

10.—(1) Any notice given under these Regulations may be given by post.

(2) For the purposes of calculating the period of any notice given under these Regulations a Saturday, Sunday, Good Friday, Christmas Day or a bank holiday (as defined in the Banking and Financial Dealings Act 1971) shall be excluded from the period.

Revocation and transitional arrangements

11.—(1) Subject to paragraph (2), the Motor Vehicles (Approval) (Fees) Regulations 1997 (“the 1997 regulations”)(a) are revoked.

(2) The 1997 Regulations shall continue to apply to applications and appeals made under the Approval Regulations before the date when these Regulations come into force for which a fee prescribed by the 1997 Regulations applies.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport, Local Government
and the Regions

10th July 2001

(a) S.I. 1997/1459.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Motor Vehicles (Approval) Regulations 2001 (“the Approval Regulations”) established a revised statutory system for approving the construction of single vehicles before they enter into service. The Approval Regulations revoked and replaced the Motor Vehicles (Approval) Regulations 1996, as amended.

These Regulations revoke and replace the Motor Vehicles (Approval) (Fees) Regulation 1997. They prescribe the fees payable in connection with applications and appeals made in accordance with the Approval Regulations. They also prescribe the fee payable for the replacement of a Minister’s approval certificate which has been lost or defaced and make provision for the repayment of fees in certain circumstances.

For passenger vehicles the fees payable compared to the previous fees payable are as follows (percentage increase or decrease is shown in brackets)—

- (a) The basic single vehicle approval (“SVA”) test first application is reduced from £165 to £150 (9% decrease);
- (b) The out of hours test supplement for a basic single vehicle approval SVA test first application is unchanged at £75.
- (c) The basic SVA further application is increased from £22 to £30 (36% increase);
- (d) The out of hours test supplement for a further application is reduced from £20 to £15 (25% decrease);
- (e) The enhanced SVA supplement, where it applies, is—
 - (i) £40 in a case in which the vehicle is the subject of a model report (no previous fee); and
 - (ii) £30 in a case in which the vehicle is not the subject of a model report (no previous fee).
- (f) The out of hours test supplement for an enhanced test (where the basic SVA test has been conducted by another EEA Member State) is £20 (no previous fee).
- (g) Certificate issued following inspection by another EEA State is unchanged at £60.
- (h) A cancelled test application is unchanged at £50.
- (i) The cost of a duplicate/replacement Minister’s Approval Certificate is reduced from £25 to £10 (60% decrease).

For goods vehicles the fees payable compared to the previous fees payable are as follows (percentage increase or decrease is shown in brackets)—

- (a) The basic single vehicle approval (“SVA”) test first application is unchanged at £60;
- (b) The out of hours test supplement for a basic single vehicle approval SVA test first application is unchanged at £25.
- (c) The basic SVA test further application is increased from £10 to £15 (50% increase);
- (d) The out of hours test supplement for a further application is unchanged at £6;
- (e) The enhanced SVA supplement, where it applies, is—
 - (i) £40 in a case in which the vehicle is the subject of a model report (no previous fee); and
 - (ii) £30 in a case in which the vehicle is not the subject of a model report (no previous fee).
- (f) The out of hours test supplement for an enhanced test (where the basic SVA test has been conducted by another EEA Member State) is £20 (no previous fee).
- (g) Certificate issued following inspection by another EEA State is unchanged at £60.
- (h) A cancelled test application is unchanged at £50.
- (i) The cost of a duplicate/replacement Minister’s Approval Certificate is reduced from £25 to £10 (60% decrease).

Copies of the Regulations referred to in these Regulations can be obtained from the Stationery Office.

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