
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Department of Transport (Fees) Order 1988 (the “Fees Order 1988”) in respect of—

- (a) those functions, the costs of which are to be taken into account in determining the fees and charges in relation to—
 - (i) regulations made under sections 45 and 46 of the Road Traffic Act 1988 (the “1988 Act”) (which relates to the tests of the satisfactory condition of vehicles);
 - (ii) regulations under section 99ZA of the 1988 Act (compulsory driver training courses);
 - (iii) regulations under section 132 of the 1988 Act (examinations and tests of ability to give driving instruction); and
 - (iv) regulations under section 22(1)(h) of the Vehicle Excise and Registration Act 1994 (the “1994 Act”) (issue of new registration documents for vehicles);
- (b) the matters to be taken into account in determining those costs by reference to Schedule 2 to the Fees Order 1988.

Article 2(2) of the Order makes three changes. First, it substitutes a new paragraph 1 for paragraphs 1 and 2 in Table III of Schedule 1 to the Fees Order 1988 (fees payable under the Road Traffic Act 1988). Column (3) in Schedule 1 to the Order lists the specified matters as set out in Schedule 2 to the Fees Order 1988 which apply. These now include paragraph 8 of Schedule 2 to that Order which allows, as part of the costs which fall to be taken into account on the exercise of the power to fix fees, the recovery of any past deficits incurred in relation to any of the functions specified in Schedule 1 to the Fees Order 1988. (The provisions of sections 45 and 46 of the 1998 Act were amended by sections 1 and 2 of the Road Traffic (Vehicle Testing) Act 1999.)

Secondly, article 2(2) inserts a new paragraph 7A in Table III of Schedule 1 to the Fees Order 1988 specifying that the costs of exercising the functions in respect of compulsory driver training courses are to be taken into account in setting fees in relation to those courses and that the matters to be taken into account in determining those costs are the matters set out in paragraphs 1 to 8 of the Fees Order 1988. (The powers in sections 99ZA to 99ZC of the 1988 Act to make such regulations were inserted into the 1988 Act by section 257 of the Transport Act 2000.)

Thirdly, article 2(2) substitutes new wording in the left hand column of paragraph 12 in Table III of Schedule 1 to the Fees Order 1988 relating to the powers to prescribe in regulations fees in respect of the taking of prescribed parts of the qualifying examination and the test of continued ability and fitness to give driving instruction under section 132 of the 1988 Act (which was amended by paragraph 9 of Schedule 29 to the Transport Act 2000).

Article 2(3) of the Order inserts a new paragraph 1A in Table VI of Schedule 1 to the Fees Order 1988 (fees payable under the 1994 Act) concerning the functions of the Secretary of State in relation to vehicle identify checks. Column (3) in Schedule 2 to the Order provides that the specified matters set out in Schedule 2 to the Fees Order 1988 which apply are paragraphs 1 to 8 of that Schedule. (Section 22A of the 1994 Act was inserted by section 33 of the Vehicles (Crime) Act 2001 and relates to regulations under section 22(1)(h) of the 1994 Act and vehicle identity checks.)