
STATUTORY INSTRUMENTS

2003 No. 1113

The Motor Vehicles (Tests) (Amendment) Regulations 2003

Miscellaneous charges and refunds

21. For regulation 25 (forms), substitute the following regulations—

“Charges for entries in the electronic record and payments on account

25.—(1) An entry in the electronic record that the prescribed statutory requirements are complied with in relation to a vehicle shall not be made unless the authorised examiner or, as the case may be, the designated council at whose vehicle testing station the examination of the vehicle was carried out has paid to the Secretary of State the sum of £1.19.

(2) Every authorised examiner and every designated council shall make such payments to the Secretary of State in anticipation of charges that may become payable by them under paragraph (1) as will, in the opinion of the examiner or council, ensure that the requirements of regulation 15(1)(a) are capable of being met as regards examinations at each of their vehicle testing stations.

(3) Payments under paragraph (2)—

- (a) must be designated by the examiner or council concerned as referable to a named vehicle testing station of the examiner or council; and
- (b) may only be of an amount equal to the charge for 100 entries of the description mentioned in paragraph (1), or any multiple of 100.

Charges for apparatus, etc. connected with the electronic record

25A.—(1) Subject to paragraphs (2) to (5), an authorised examiner or designated council shall pay to the Secretary of State or to such other person as, by notice to the examiner or council, he may direct, in respect of the provision by him, or on his behalf, of any apparatus or service specified in column (1) of the Table in Schedule 3 to these Regulations, the amount specified in relation to that apparatus or service in column (2) of that Table.

(2) Item 1 shall be provided free of charge unless—

- (a) the visit is the second (or subsequent) to the vehicle testing station for the purpose of installing apparatus and is attributable to a failure on the part of the authorised examiner or, as the case may be, the designated council, to comply with requirements notified by or on behalf of the Secretary of State in advance of the date appointed for the first (or previous) visit; or
- (b) the visit is attributable to the cancellation, by the authorised examiner or, as the case may be, the designated council, of an arrangement to install apparatus at an earlier date.

(3) The Secretary of State may waive any charge payable in respect of item 1 or item 2.

(4) Items 6 to 15 shall be provided free of charge where the apparatus to be replaced is unserviceable by reason of fair wear and tear.

(5) Item 16 shall be provided free of charge except where the apparatus to be replaced—

- (a) is unserviceable for reasons other than fair wear and tear; and
 - (b) is the third (or subsequent) item of that description to have become unserviceable in the preceding five years for reasons other than fair wear and tear.
- (6) Where, as respects apparatus of a description specified in column (1) of the Table in Schedule 3 to these Regulations—
- (a) a person fails to comply with regulation 11(1) or a requirement imposed under regulation 24A(1); or
 - (b) the apparatus delivered or, as the case may be, made available for collection, in compliance with that provision or requirement, is in an unserviceable condition by reason other than fair wear and tear; or
 - (c) the person to whom it was supplied is unable to return it to the Secretary of State, the Secretary of State may, by notice to the person concerned, require the payment to him of such amount, not exceeding that specified in relation to the apparatus in column (2) of that Table, as may be specified in the notice.
- (7) In this regulation, references to a numbered item are references to the apparatus or service bearing that number in column (1) of the Table in Schedule 3 to these Regulations.”

Refunds

- 25B.**—(1) As soon as reasonably practicable after a cessation has taken effect in accordance with regulation 9 or 10, the Secretary of State shall repay to the person or council concerned the amount (if any) determined in accordance with the formula A–B, where—
- “A” is the amount held by the Secretary of State immediately before the cessation on account of any charge that might have become payable by that person or council in connection with the carrying out of examinations; and
 - “B” is the amount payable to the Secretary of State in accordance with regulation 25A(6).
- (2) On receipt of any unused forms for test certificates sent to him in accordance with regulation 11(1) or (2), the Secretary of State shall repay to the person or council concerned, an amount equal to the amount paid to the Secretary of State by that person or council for the supply of those forms.
- (3) Where unissued and cancelled forms for test certificates are returned to the Secretary of State because they have been spoilt or defaced, the Secretary of State may make a refund to the person or council concerned of such amount as he considers appropriate.”