
STATUTORY INSTRUMENTS

2009 No. 719

The Motor Vehicles (Type Approval and Approval Marks) (Fees) (Amendment) Regulations 2009

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Type Approval and Approval Marks) (Fees) (Amendment) Regulations 2009 and come into force on 29th April 2009.

Preliminary

2. The Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations 1999(1) are amended as follows.

Amendment to regulation 3 (interpretation)

3.—(1) Regulation 3 is amended as follows.

(2) In paragraph (2)—

(a) in the definition of “approval requirements”—

(i) omit “or” after subparagraph (a)(iii); and

(ii) insert after subparagraph (a)(iv)—

“(v) Schedule 4 to the Approval Regulations; or”;

(b) for the definition of “Community instrument” substitute—

““Community instrument” means a regulatory act within the meaning of paragraph (a) of the definition of that expression in regulation 3(1) of the Approval Regulations;”;

(c) for the definition of “ECE Regulation” substitute—

““ECE Regulation” means a regulatory act within the meaning of paragraph (b) of the definition of that expression in regulation 3(1) of the Approval Regulations;”;

(d) omit the definition of “European Regulations”;

(e) for the definition of “Framework Directive” substitute—

““Framework Directive” has the same meaning as in regulation 3(1) of the Approval Regulations;” and

(f) insert each of the following definitions at the appropriate place—

““Approval Regulations” means the Road Vehicles (Approval) Regulations 2009(2);

“national small series type approval” has the same meaning as in regulation 3(1) of the Approval Regulations;

(1) S.I. 1999/2149, amended by S.I. 2003/2258, 2004/2106 and 2006/1638.

(2) S.I. 2009/717.

“regulatory act” has the same meaning as in regulation 3(1) of the Approval Regulations;”.

(3) In paragraph (4), for “N2 or N3”, in both places substitute “N2, N3, O1, O2, O3 or O4”.

Fees – examination of a vehicle under the national small series type approval scheme

4. After regulation 5, insert—

“Fees – examination of a vehicle under the national small series type approval scheme

5A.—(1) In this regulation, “vehicle type approval certificate” means a type approval certificate issued under regulation 25(3) of the Approval Regulations in relation to a complete, incomplete or completed vehicle (being expressions used in the Framework Directive).

(2) Expressions used in this regulation or in Part III of Schedule 1 which are also used in the Framework Directive have the same meaning as in that Directive and cognate expressions shall be construed accordingly.

(3) Subject to paragraphs (6) and (7), the fees prescribed for the purposes of regulation 24(3)(b)(ii) of the Approval Regulations for—

- (a) the examination of a vehicle; and
- (b) administrative work (other than the issue of the vehicle type approval certificate),

with a view to the issue of such a certificate on the basis that all necessary approvals have previously been obtained shall be the amounts determined in accordance with paragraphs (4) and (5).

(4) Where the application under regulation 24(1) of the Approval Regulations is for the issue of a vehicle type approval certificate in relation to a complete vehicle, the amounts payable shall be the amounts specified in the appropriate table in Part III of Schedule 1.

(5) Where—

- (a) the application is for a vehicle type approval certificate in relation to an incomplete vehicle or a completed vehicle; and
- (b) the examination is not as complete and exhaustive as would otherwise be required,

the fees shall be such proportion of the relevant sums specified in the appropriate table in Part III of Schedule 1 as the Secretary of State considers to be appropriate in view of the nature and extent of the work involved.

(6) Where in the case of an examination of a vehicle with a view to the issue of a vehicle type approval certificate—

- (a) it has been found impossible to complete the examination satisfactorily;
- (b) the vehicle has been found not to comply in all aspects with the relevant approval requirements; or
- (c) a vehicle type approval certificate has previously been issued in respect of a vehicle of that type but the vehicle incorporates changes in detail not covered by the certificate,

and a further, but partial, examination of the vehicle is required before the vehicle type approval certificate can properly be issued in respect of it, the fee for that partial examination shall be such proportion of the relevant sums specified in Part III of Schedule 1 as the

Secretary of State considers to be appropriate in view of the nature and extent of that partial examination.

(7) Where, in relation to an application for a vehicle type approval certificate, more than one vehicle is examined the fee in respect of the vehicle that undergoes the most extensive examination shall be determined in accordance with the foregoing provisions of this regulation and the fee in respect of each of the other vehicles shall be such proportion of that fee as the Secretary of State considers to be appropriate in view of the nature and extent of the examination carried out on that other vehicle.

(8) This regulation is subject to regulations 19 and 20.”.

Amendment to regulation 6 (fees - examination of a vehicle with a view to the issue of an EC vehicle type approval certificate)

5.—(1) Regulation 6 is amended as follows.

(2) In paragraph (1), for “regulation 4(5) of the European Regulations” substitute “regulation 13(3) of the Approval Regulations”.

(3) In paragraphs (2), (5) and (6), for “Part III” substitute “Part IV”.

(4) In paragraph (4), for “Part III” substitute “the appropriate table in Part IV”.

Amendment to regulation 9 (fees - issue of documents)

6. In regulation 9(4), for “European” substitute “Approval”.

Amendments to Schedule 1

7.—(1) Schedule 1 is amended as follows.

(2) In the heading, for “European” substitute “Approval”.

(3) Part III is substituted by Parts III and IV set out in Schedule 1 to these Regulations.

Amendment to Schedule 4

8. In Schedule 4, for Part III substitute the Part set out in Schedule 2.

Omission of Schedule 5

9. Omit Schedule 5.

Signed by authority of the Secretary of State

24th March 2009

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

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

We consent to the making of these Regulations to the extent that they are made in exercise of the powers by section 56(1) and (2) of the Finance Act 1973

18th March 2009

Tony Cunningham
Dave Watts
Two of the Lords Commissioners of Her
Majesty's Treasury