

2009 No. 643

ROAD TRAFFIC

The Motor Vehicles (Tests) (Amendment) Regulations 2009

<i>Made</i>	- - - -	<i>11th March 2009</i>
<i>Laid before Parliament</i>		<i>13th March 2009</i>
<i>Coming into force</i>		
	<i>for all purposes except those of regulations 3(3) and 5</i>	<i>6th April 2009</i>
	<i>for the purposes of regulations 3(3) and 5</i>	<i>26th April 2009</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 45(2) and (7) and 46(1)(f), (1)(j) and (4) of the Road Traffic Act 1988(a).

The Secretary of State for Transport has consulted representative organisations in accordance with section 195(2) of that Act.

The Secretary of State for Transport, in exercising the powers conferred by section 46(1)(f), has taken into account the functions and matters specified in respect of that section in the Department of Transport (Fees) Order 1988(b).

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) Regulations 2009 and come into force—

- (a) for all purposes except those of regulations 3(3) and 5 on 6th April 2009; and
- (b) for the purposes of regulation 3(3) and 5 on 26th April 2009.

Preliminary

2. The Motor Vehicles (Tests) Regulations 1981(c) are amended as follows.

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- (a) 1988 c. 52; section 45 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 52 and by the Road Traffic (Vehicle Testing) Act 1999 (c. 12), section 1; section 46 was substituted by the Road Traffic (Vehicle Testing) Act 1999, section 2.
 - (b) S.I. 1988/643, which was made under the Finance (No. 2) Act 1987 (c. 51), section 102. The relevant amending instrument is S.I. 2003/1094 and the relevant entry in S.I. 1988/643 is Schedule 1, Table III, item 1.
 - (c) S.I. 1981/1694; relevant amending instruments are 1982/783; 1983/1147; 1984/401 and 1126; 1985/834; 1986/372 and 904; 1988/339 and 989; 1989/920 and 1694; 1990/628 and 1186; 1991/253, 455, 1525 and 2229; 1992/566, 1609 and 3160; 1993/3011; 1994/2136; 1995/2438; 1996/1751; 1997/81; 1998/1672; 1999/2199; 2000/1432 and 2322; 2001/1648 and 3330; 2002/488 and 1698; 2003/1113, 1698 and 1815; 2004/1632 and 1879; 2005/1832 and 2341; 2006/1998 and 2680; 2007/506 and 1161; 2008/ 1402 and 1461.

Amendment to regulation 20 (fees for examinations)

3.—(1) Regulation 20 is amended as follows.

(2) In the provisions specified in column (1) of the following Table for each amount specified in column (2) substitute the amount specified in column (3).

Table

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Existing Amount (£)</i>	<i>(3)</i> <i>Substituted Amount (£)</i>
20(1)(a)	28.65	29.20
20(1)(aa)	36.55	37.20
20(1)(b)	36.55	37.20
20(1)(c)(i)	55.50	56.45
20(1)(c)(ii)	53.10	54.00
20(1)(ca)	62.00	63.05
20(1)(d)(i)	78.15	79.45
20(1)(d)(ii)	57.65	58.65
20(1)(da)(i)	120.70	122.65
20(1)(da)(ii)	78.00	79.30
20(1)(f)	56.75	57.70

(3) In paragraph (3A)(b), insert “trailer coupling” in the appropriate alphabetical place in the list of matters.

Amendment to regulation 25 (charges for entries in the electronic record and payments on account)

4. In regulation 25(1), for “£1.85” substitute “£2.00”.

Amendment to Schedule 2 (the prescribed statutory requirements)

5.—(1) Schedule 2 is amended as follows.

(2) In item 13A of paragraph 1(c), for “, 11, 12, 13, 14, and 15” substitute “and 9 to 15”.

(3) In item 22 of paragraph 2(b), after the words “or part of the suspension” insert “or any trailer coupling”.

(4) In item 27 of paragraph 2(d), for “, 11, 12, 13, 14, and 15” substitute “and 9 to 15”.

Signed by authority of the Secretary of State

11th March 2009

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Tests) Regulations 1981 (“the 1981 Regulations”). Those Regulations make provision for certain categories of motor vehicles (Classes I to V_A and VII) to be examined by persons authorised by the Secretary of State and for test certificates to be issued for vehicles that are found to meet certain requirements. These certificates are commonly referred to as “MOT Certificates”.

Regulation 3(2) amends regulation 20 of the 1981 Regulations by increasing the fees payable for examinations of vehicles pursuant to applications made under regulation 12 of those Regulations. The increased fees for testing vehicles are set out in the Table below (with the percentage increase since the fees were last fixed on 30th June 2008 being shown in brackets).

Table

<i>Nature of examination</i>	<i>Existing fee (£)</i>	<i>Substituted fee (£)</i>
Motor bicycles without a side car.	28.65	29.20 (1.88 %)
Motor bicycles with a side car.	36.55	37.20 (1.75 %)
Vehicles in Class III (“light motor vehicles” other than motor bicycles).	36.55	37.20 (1.75 %)
Vehicles in Class IV (“motor cars” and “heavy motor cars” not being vehicles within Class III, IV _A , V, V _A , or VII)—		
(i) if the vehicle is a minibus, and	55.50	56.45 (1.68 %)
(ii) in any other case.	53.10	54.00 (1.67 %)
Vehicles in Class IV _A (being minibuses which are not within Class IV; the vehicles in this Class cover minibuses, other than those excluded by virtue of a certificate of initial fitness issued on or after 1st August 1998 or compliance with certain type of approval requirements, not being vehicles within Class III, V or V _A in respect of which any forward-facing seat is fitted with a relevant seat belt).	62.00	63.05 (1.67 %)
Vehicles in Class V (“large passenger-carrying vehicles”, particular types of public service vehicles and “play buses” not being vehicles within Class V _A)—		
(i) if the vehicle is constructed or adapted to carry more than 16 passengers, and	78.15	79.45 (1.64 %)
(ii) in any other case.	57.65	58.65 (1.71 %)
Vehicles in Class V _A (“large passenger-carrying vehicles”, particular types of public service vehicles and “play buses”, other than those excluded by virtue of a certificate of initial fitness issued on or after 1st August 1998 or compliance with certain type approval requirements, in respect of which any forward-facing seat is fitted with a relevant seat belt)—		
(i) if the vehicle is constructed or adapted to carry more than 16 passengers, and	120.70	122.65 (1.59 %)
(ii) in any other case.	78.00	79.30 (1.64 %)
Vehicles in Class VII (goods vehicles with a design gross weight of more than 3,000 kg but not more than 3,500 kg)	56.75	57.70 (1.65 %)

In the case of the vehicles mentioned above, under regulation 21 of the 1981 Regulations, the fee payable on an appeal against a notice of the refusal of a test certificate is the same amount as the fee payable for an examination. Those fees are increased accordingly.

Regulation 3(3) inserts the item of “trailer coupling” into the list of matters for which no fee is payable on the re-examination of a vehicle.

Regulation 4 provides for an increase in the charge for the making of entries in the computerised record in respect of vehicles which pass the MOT test. The charge is being increased by 8% from £1.85 to £2.00. (There is no charge for entries in respect of vehicles which fail the MOT test.)

Schedule 2 sets out the statutory requirements that must be satisfied when a vehicle is submitted for examination in accordance with the 1981 Regulations. *Regulation 5(2)* and *(4)* amends items 13A and 27. The amendments insert references to regulations 9 (lighting of rear registration plates) and 10 (specifications of registration plates) of the Road Vehicles (Display of Registration Marks) Regulations 2001 (S.I. 2001/561). *Regulation 5(3)* amends item 22. Item 22 specifies items that must be satisfied to ensure that the vehicle’s condition is not such that its use on the road would involve a danger of injury to any person. The amendment to item 22 adds “any trailer coupling ” to the specified items.

An impact assessment of the effect that this instrument will have on the costs of business is available from the Department for Transport, zone 2/09, 2nd floor, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone number: 020 7944 2457). A copy has been placed in the library of each House of Parliament. The impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website www.opsi.gov.uk.

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