
STATUTORY INSTRUMENTS

2009 No. 717

The Road Vehicles (Approval) Regulations 2009

PART 6

MISCELLANEOUS

Reviews and appeals

Duty to give reasons etc

35.—(1) A relevant notice must be in writing and specify the reasons for the decision to which it relates, the right to request a review under these Regulations and the time limit for making such a request.

(2) In this regulation and regulations 36 and 37, a “relevant notice” means a notice given under any of the following provisions—

- (a) regulation 13(7),
- (b) regulation 14(2);
- (c) regulation 19(2), (3), (4), (5) or (10),
- (d) regulation 21(3) or (4),
- (e) regulation 25(1)(c),
- (f) regulation 27(7),
- (g) regulation 31(4)(b), or
- (h) regulation 32(4)(b).

Review of decisions on type approval applications

36.—(1) This regulation applies to all relevant notices except those given under regulation 27(7).

(2) Where the approval authority has given a person a relevant notice to which this regulation applies, that person may apply to the approval authority for a reconsideration of the decision to give that notice.

(3) An application under paragraph (1) must—

- (a) be made within a period of 28 days beginning on the date when the relevant notice is received, and
- (b) be in writing stating the reasons for making it and accompanied by such further evidence as may be reasonably necessary to support those reasons.

(4) The approval authority may—

- (a) request further evidence in support of the application;
- (b) after giving reasonable notice to the applicant, carry out a re-examination of one or more vehicles for the purpose of determining the issues raised by the application.

- (5) The approval authority must as soon as reasonably practicable—
 - (a) give written notification to the applicant stating whether the original decision is confirmed, amended or reversed, and
 - (b) if the decision is reversed or amended, take the appropriate action in respect of the revised decision.
- (6) An applicant aggrieved by the approval authority's notification under paragraph (5) may by notice in writing request the approval authority to appoint an independent assessor or assessment panel to review the decision to which the relevant notice relates.
- (7) A request under paragraph (6) must be—
 - (a) made not later than 28 days after receipt of the approval authority's notification under paragraph (4),
 - (b) in writing stating the reasons for the request, and
 - (c) accompanied by the prescribed fee (if any).
- (8) As soon as reasonably practicable after the date of receipt of the request under paragraph (6) for an independent review the approval authority must—
 - (a) appoint a person to act as assessor or , at the authority's discretion, not more than three persons to act as an assessment panel, and
 - (b) notify the applicant of the appointment.
- (9) The independent assessor or assessment panel may—
 - (a) request further evidence in support of the request for review;
 - (b) after giving reasonable notice to the applicant, carry out a re-examination of one or more vehicles for the purpose of determining the issues raised by the request for review.

Applications for individual approvals: appeals

- 37.**—(1) This regulation applies where a relevant notice has been given to an applicant under regulation 27(7).
- (2) A person aggrieved by a decision made pursuant to an application under regulation 27 may appeal to the Secretary of State not later than 14 days after the date of the relevant notice.
 - (3) An appeal under this regulation must—
 - (a) be made by notice in writing in a form approved by the approval authority,
 - (b) state the grounds on which it is made,
 - (c) be accompanied by such documents and further evidence as may be specified in the form and reasonably necessary to support the grounds of appeal, and
 - (d) be accompanied by the prescribed fee (if any).
 - (4) As soon as reasonably practicable after receiving the notice of appeal the Secretary of State must—
 - (a) send a notice to the appellant stating the time and place where a re-examination of the vehicle is to be carried out for the purpose of determining the issues raised by the appeal, and
 - (b) appoint a person ("the examiner") to re-examine the vehicle.
 - (5) The appellant must attend with the vehicle, or arrange for the vehicle to be produced, at the time and place specified in the notice under paragraph (4) unless otherwise agreed with the Secretary of State.

(6) The examiner must determine whether or not the decision made under regulation 27(7) was a correct decision and the provisions of regulation 27(7) to (9) apply for the purposes of that determination as they applied for the purposes of the original decision.

(7) The examiner may—

- (a) confirm the original decision, or
- (b) make such other decision as the examiner thinks fit (including the reimbursement of any fee paid by the appellant),

and if it is decided that an individual approval should be granted the examiner must notify the approval authority accordingly.