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STATUTORY INSTRUMENTS

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**2009 No. 717**

**The Road Vehicles (Approval) Regulations 2009**

**PART 6**

**MISCELLANEOUS**

*Reviews and appeals*

**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.