STATUTORY INSTRUMENTS

1971 No. 2074

ROAD TRAFFIC

The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1971

Made - - - -	20*th December* 1971
Laid before Parliament	29*th December* 1971
Coming into Operation	24*th January* 1972

The Secretary of State for the Environment, in exercise of his powers under section 9(1) and (6) of the Road Safety Act 1967**(a)** as amended by section 148 of the Transport Act 1968**(b)** and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the Road Traffic Act 1960**(c)**, as applied by section 29(6) of the said Act of 1967, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on 24th January 1972 and may be cited as the Goods Vehicles (Plating and Testing) (Amendment) Regulations 1971.

(2) The Interpretation Act 1889**(d)** shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Goods Vehicles (Plating and Testing) Regulations 1971**(e)** shall be amended in accordance with the following provisions of these Regulations.

3. Regulation 9 (Conditions subject to which motor vehicles accepted for examinations) shall have effect as though in paragraph (3)(*a*) for the words "within thirty minutes after the time" there were substituted the words "at the time".

4. Regulation 10 (Conditions subject to which trailers accepted for examinations) shall have effect as though—

(*a*) in paragraph (2)(*a*) for the words "within thirty minutes after the time" there were substituted the words "at the time";

(*b*) in paragraph (2)(*h*) for the words "section 7 of the Vehicles (Excise) Act 1962**(f)**" there were substituted the words "section 8 of the Vehicles (Excise) Act 1971**(g)**".

(a) 1967 c. 30.
(b) 1968 c. 73.
(c) 1960 c. 16.
(d) 1889 c. 63.
(e) S.I. 1971/352 (1971 I, p. 1098).
(f) 1962 c. 13.
(g) 1971 c. 10.

5. Regulation 21 (Fees for Part II re-tests) shall have effect as though for paragraph (1) there were substituted the following paragraph:—

"*Fees for Part II re-tests*

21.—(1) The fee payable for a Part II re-test of a vehicle carried out in accordance with arrangements made under Regulation 20(2) or (4) shall be of the amount specified in paragraph 1 of Part II of Schedule 4:

Provided that no fee shall be payable for such a re-test of a vehicle submitted within the relevant time, if it is the first re-test of the vehicle carried out following the first examination of the vehicle or following an earlier Part II re-test of the vehicle in respect of which a fee has been paid under this Regulation and if it is a re-test due only to any minor defect.

In this paragraph "relevant time" means the same day as that on which the said first examination or the said Part II re-test was completed or the next following day on which the vehicle testing station is open and "minor defect" means a defect in a vehicle by virtue of which any of the following items of the prescribed construction and use requirements were not complied with in relation to the vehicle, namely, those contained in Schedule 3, in Part I, in paragraphs 2 (insofar as the regulation therein mentioned relates to the emission of any oily substance), 3, 4(*a*) and (*f*), 9, 10, 11, 13, 16(*a*), 16(*c*) (insofar as it relates to any cab door), 22, 23, 24, 25, 26, 27, 28 and 29 and in Part II in paragraphs 1, 2(*a*), 6(*a*), 9, 10, 11, 12, 13 and 14.".

6. Regulation 30 (Relating to expedited certificates) shall have effect as though in paragraph (2)—

(*a*) the words "being a trailer" were omitted;

(*b*) for the words "Regulation 28(2)" there were substituted the words "Regulation 28".

7. Regulation 36 (Fees for Part III re-tests) shall have effect as though for paragraph (1) there were substituted the following paragraph:—

"*Fees for Part III re-tests*

36.—(1) The fee payable for a Part III re-test of a vehicle carried out in accordance with arrangements made under Regulation 35(2) or (4) shall be of the amount specified in paragraph 1 of Part IV of Schedule 4:

Provided that no fee shall be payable for such a re-test of a vehicle submitted within the relevant time, if it is the first re-test of the vehicle carried out following the last periodical test of the vehicle or following an earlier Part III re-test of the vehicle in respect of which a fee has been paid under this Regulation and if it is a re-test due only to any minor defect.

In this paragraph "relevant time" means the same day as that on which the said periodical test or the said Part III re-test was completed or the next following day on which the vehicle testing station is open and "minor defect" has the same meaning as in Regulation 21(1).".

8. For Regulation 50 (General provision as to fees) there shall be substituted the following Regulation:—

"*General provision as to fees*

50.—(1) Where any fee under these Regulations in respect of a first examination of a vehicle, a re-test of a vehicle to be carried out by virtue of Regulation 20(3) or Regulation 35(3), a periodical test of a vehicle or a Part IV

test of a vehicle has been paid to the Secretary of State at the Goods Vehicle Centre, Swansea, or at a vehicle testing station, the said fee shall, subject as hereinafter provided in this Regulation, be payable notwithstanding that the vehicle is not submitted for any such examination on the day and at the time fixed under these Regulations for that examination.

(2) If in the following cases—

(*a*) the applicant for the examination in question has not less than 7 days before the day fixed under these Regulations for the carrying out of that examination given the Secretary of State notice (whether in writing or otherwise) at the said Goods Vehicle Centre that the applicant does not propose to submit the vehicle for examination on the said day; or

(*b*) the said applicant satisfies the Secretary of State that the vehicle cannot or, as the case may be, could not be submitted for the examination in question on the day or at the time fixed for the carrying out of that examination because of the effect on his ability so to submit the vehicle of exceptional circumstances occurring not more than 7 days before the said time and of which notice is given to the Secretary of State whether in writing or otherwise within 3 days of the occurrence thereof,

then either—

(i) the said applicant may give notice (whether in writing or otherwise) to the Secretary of State at the time of the notice given under paragraph 2(*a*) or (*b*) of this Regulation, or within 28 days of the date thereof, requesting another examination of the same kind for that vehicle or another vehicle, and in that event the said fee shall be treated as payable in respect of that other examination; or

(ii) the said applicant may give notice to the Secretary of State at the said Goods Vehicle Centre at the time of the notice given under paragraph 2(*a*) or (*b*) of this Regulation or within 28 days of the date thereof, that no other examination of the same kind is required for that vehicle or another vehicle, and in that event the said fee, less a sum of 75 new pence, shall be repaid by the Secretary of State to the said applicant.

(3) In this Regulation "exceptional circumstances" means an accident, a fire, an epidemic, severe weather, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor).".

9. Regulation 55 (Provision as to Crown vehicles) shall have effect as though for the reference to the Vehicles (Excise) Act 1962 there were substituted a reference to the Vehicles (Excise) Act 1971.

10. Regulation 56 (Exemption from s.14(1) of the 1967 Act of the use of vehicles for certain purposes) shall have effect as though in paragraph (3) for the words "section 12 of the Vehicles (Excise) Act 1962" there were substituted the words "section 16 of the Vehicles (Excise) Act 1971".

11. Regulation 60 (Certificates of temporary exemption) shall have effect as though—

(*a*) in paragraph (2)(*a*) for the words from "caused by" to "in a vehicle)" there were substituted the words "(as defined in Regulation 50(3)) affecting either a station or a vehicle";

(*b*) in paragraph (3)(*d*) for the words "one month" there were substituted the words "three months".

12. In Schedule 2 (Classes of Vehicle to which regulations do not apply)—

(*a*) in paragraphs 2 and 6 for the words "1962 Act" there shall be substituted the words "1971 Act";

(*b*) in paragraph 7 for the words "section 6(8) of the 1962 Act" there shall be substituted the words "section 4(2) of the 1971 Act";

(*c*) in paragraph 17 for the words "1962 Act by virtue of section 6(6)" there shall be substituted "1971 Act by virtue of section 7(1)";

(*d*) for paragraph 20, there shall be substituted the following paragraph:—
"20. Vehicles to which paragraph 4 or 6 of Schedule 1 to the Goods Vehicles (Operators' Licences) Regulations 1969**(a)** applies.";

(*e*) for paragraph 24, there shall be substituted the following paragraph:—
"24. Motor vehicles brought into Great Britain and displaying a registration mark mentioned in Regulation 5 of the Motor Vehicles (International Circulation) Regulations 1971**(b)**, a period of twelve months not having elapsed since the vehicle in question was last brought into Great Britain.";

(*f*) for paragraph 27, there shall be substituted the following paragraph:—
"27. Trailers brought into Great Britain and having a base or centre in a country outside Great Britain from which the use of the vehicle on a journey is normally commenced, a period of twelve months not having elapsed since the vehicle in question was last brought into Great Britain.";

(*g*) in paragraph 32 after the words "or controlling" there shall be inserted the words "or loading or unloading";

(*h*) for the definition of "the 1962 Act" under the heading "Interpretation" there shall be substituted the following definition:—
"the 1971 Act" means "the Vehicles (Excise) Act 1971;".

13. In Schedule 3 (The Prescribed Construction and Use Requirements)—

(*a*) in Part I, in Section I, at the end of that Section there shall be added:—
"4A. Regulation 25 (relating to an excess fuel device).";

(*b*) in Part I, in Section III in paragraph 12, there shall be added at the end the words "and Regulation 20 (relating to windscreen washers).";

(*c*) in Part I, for Section V there shall be substituted the following Section:—

"*Section V*

The requirements contained in the following provisions of the Road Transport Lighting Act 1957**(c)**:—

(a) S.I. 1969/1636 (1969 III, p. 5141). **(b)** S.I. 1971/937 (1971 II, p 2688).
(c) 1957 c. 51.

22. Section 1(1) and (2) (relating to lights and reflectors).

The requirements contained in the following provisions of the Road Vehicles Lighting Regulations 1971(a):—

23. Regulations 4, 5, 8 and 9 (relating to front lamps).

24. Regulations 15 to 22 other than Regulations 16(3) and 18(2) (relating to headlamps).

25. Regulation 23 (relating to rear lamps).

26. Regulation 30 (relating to reflectors).

27. Regulations 52, 53 and 56 (relating to side facing reflectors).

28. Regulations 72 to 75 (relating to stop lamps).

29. Regulation 76 (relating to maintenance of direction indicators and stop lamps).

The requirements contained in the following provisions of the Motor Vehicles (Rear Markings) Regulations 1970(b):—

30. Regulation 4(1)(*a*), (3)(*a*) and (5)";

(*d*) In Part II, in Section 1, at the end of paragraph 2 there shall be added the words—

"(*e*) landing legs.";

(*e*) in Part II, for Section V there shall be substituted the following Section:—

"*Section V*

The requirements contained in the following provisions of the Road Transport Lighting Act 1957:—

9. Section 1(1)(*b*) and (2) (relating to lights and reflectors).

The requirements contained in the following provisions of the Road Vehicles Lighting Regulations 1971:—

10. Regulation 23 (relating to rear lamps).

11. Regulation 30 (relating to reflectors).

12. Regulations 54, 55 and 56 (relating to side facing reflectors).

13. Regulations 72 to 75 (relating to stop lamps).

14. Regulation 76 (relating to maintenance of direction indicators and stop lamps).

The requirements contained in the following provisions of the Motor Vehicles (Rear Marking) Regulations 1970:—

15. Regulation 4(1)(*b*), (2), (3)(*b*) and (5).".

Signed by authority of the Secretary of State.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

20th December 1971.

(a) S.I. 1971/694 (1971 I, p. 1833). (b) S.I. 1970/1700 (1970 III, p. 5577).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Goods Vehicles (Plating and Testing) Regulations 1971.

The principal changes are:—

1. Regulations 3 and 4 withdraw the concession which allowed a vehicle to be presented for an examination up to half an hour after the appointed time.

2. Regulations 5 and 7 limit free re-tests for vehicles to those cases where the vehicle failed an earlier examination only due to certain prescribed minor defects.

3. Regulation 6 allows greater flexibility for the dates by which periodical tests of motor vehicles have to be undertaken.

4. Regulation 8 prescribes "exceptional circumstances" in which fees will not be forfeited although a vehicle is not presented for an examination at the appointed time.

5. Regulation 11 extends the maximum period of validity of a temporary certificate exempting a vehicle from the need to have a plating certificate or goods vehicle test certificate from one to three months.

6. Regulation 12 brings up to date references to other legislation in Schedule 2, and in particular Regulation 12(*f*) provides that the exemption for trailers temporarily in Great Britain applies only to vehicles which are based outside Great Britain.

7. Regulation 13 provides for amendments to Schedule 3 which contains the requirements in relation to which vehicles are examined and, in particular, includes among the testable items excess fuel devices, windscreen washers, side facing reflectors, rear markings and certain landing gear on trailers.

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