STATUTORY INSTRUMENTS

1983 No. 239

ROAD TRAFFIC

The Goods Vehicles (Plating and Testing) (Amendment) Regulations 1983

Made - - - -	*25th February* 1983
Laid before Parliament	*8th March* 1983
Coming into Operation	*1st April* 1983

The Secretary of State for Transport in exercise of the powers conferred by section 45 of the Road Traffic Act 1972 (**a**) and now vested in him (**b**) and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of that Act, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 1st April 1983 and may be cited as the Goods Vehicles (Plating and Testing) (Amendment) Regulations 1983.

2. The Goods Vehicles (Plating and Testing) Regulations 1982 (**c**) are amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 3 (Interpretation), in paragraph (1)—

(a) after the definition of "the Construction and Use Regulations" insert the following definition—

" "the National Type Approval for Goods Vehicles Regulations" means the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 (**d**);";

(b) for the definition of "Ministry plate" substitute the following definition—

" "Ministry plate" has the meaning given by Regulation 3(1) of the Construction and Use Regulations (**e**);"; and

(c) in the definition of "the standard lists", in sub-paragraph (*b*), delete the words "constructed or adapted to form part of an articulated vehicle".

4. In Regulation 3, after paragraph (1), insert the following paragraph—

"(1A) A reference in these Regulations to an examination for plating includes, in relation to a vehicle to which Regulation 17A applies, an examination provided for in that Regulation.".

5. In Regulation 16 (Fees for re-tests), in paragraph (2), for "£10" substitute "£21" and for "£6" substitute "£11".

(**a**) 1972 c.20.
(**b**) S.I. 1979/571 and 1981/238.
(**c**) S.I. 1982/1478.
(**d**) S.I. 1982/1271.
(**e**) S.I. 1978/1017; the relevant amending Instrument is S.I. 1982/1576.

6. After Regulation 17 insert the following new Regulation:—

"**17A.**—(1) This Regulation applies to every vehicle to which these Regulations apply and for which there has been issued a certificate of conformity or a Minister's approval certificate as required under the National Type Approval for Goods Vehicles Regulations.

(2) On the submission for a first examination under these Regulations of a vehicle to which this Regulation applies, the driver of the vehicle shall produce to the examiner the certificate (or a photocopy thereof) which, by virtue of section 48(5) of the 1972 Act, is treated as the plating certificate of the vehicle.

(3) The examiner shall examine a vehicle so submitted to ascertain whether or not—

(a) the particulars on the said plating certificate are appropriate for the vehicle having regard to the standard lists and the condition of the vehicle; and

(b) the vehicle has been subject to any notifiable alteration which has not been notified.

(4) In the case of a vehicle where the examiner is satisfied that—

(a) no notifiable alteration which has not been notified has occurred; and

(b) the particulars on the said plating certificate are appropriate as mentioned in paragraph (3),

the said plating certificate shall be deemed to have been issued as a result of the examination under the above paragraphs of this Regulation as well as in consequence of the certificate of conformity or Minister's approval certificate.

(5) In the case of a vehicle where the examiner is not satisfied as mentioned in paragraph (4)—

(a) the vehicle shall be subject to a first examination as if no certificate of conformity or Minister's approval certificate had been issued in respect of it;

(b) if any notifiable alteration has been made but not reported to the Secretary of State in accordance with Regulation 29 the fee prescribed by Regulation 32 shall be paid before the said first examination is started; and

(c) any certificate of conformity or Minister's approval certificate issued before the vehicle was submitted for its first examination shall, as from the date of submission, be of no effect.".

7. In Regulation 18 (which relates to examination for plating)—

(a) after the words "In the event of a goods vehicle examiner determining that the vehicle" insert the words "(not being a vehicle to which Regulation 17A(4) applies)";

(b) in sub-paragraph (*b*) delete the words "constructed or adapted to form part of an articulated vehicle"; and

(c) for the proviso to sub-paragraph (*b*) substitute the following proviso:—

"Provided that if any such equivalent weight exceeds the maximum weight at which the vehicle can lawfully be used on a road in Great Britain by virtue of the Construction and Use Regulations,

then such equivalent weight shall be reduced to that maximum weight.".

8. In Regulation 19 (which relates to examination for plating) for sub-paragraph (*g*) substitute the following sub-paragraph:—

"(*g*) to the need to comply with the requirements of Regulations 85, 86, 89, 90, 92, 93, 94 and 154 of the Construction and Use Regulations, and with the requirement that no plated weight relating to the train weight of a motor vehicle shall exceed the maximum train weight at which the vehicle can lawfully be used on a road in Great Britain by virtue of the Construction and Use Regulations.".

9. In Regulation 20 (issue of plating certificates, and particulars to be contained therein)—

(a) in paragraph (1), for the words "After the determination" substitute the words "Save as provided in paragraph (1A), after the determination"; and

(b) after paragraph (1) insert the following sub-paragraph—

"(1A) The provisions of paragraph (1) do not apply in a case to which Regulation 17A(4) applies.".

10. For Regulation 21 (Goods vehicle test) substitute the following Regulation:—

"**21.** After there has been carried out on a vehicle either an examination for plating or an examination as mentioned in Regulation 17A(3) a goods vehicle examiner shall arrange for the vehicle to undergo a goods vehicle test.".

11. After Regulation 29 insert the following new Regulation:—

"**29A.** In this Part of these Regulations any reference to the re-examination of a vehicle shall, as regards a vehicle for which there has been issued a certificate of conformity or a Minister's approval certificate and which has not been submitted for an examination as provided in Regulation 17A, be construed as a reference to an examination of the vehicle.".

12. In Regulation 40 (Replacements of plates and certificates), in paragraph (1), for the words "issued under these Regulations" substitute the words "(whether issued under these Regulations or being treated as a plating certificate by virtue of section 48(5) of the 1972 Act)".

13. In Regulation 44 (Exemption from section 51(2) of the 1972 Act), after "Motor vehicles" insert "other than those manufactured on or after 1st October 1982 and first used on or after 1st April 1983,".

14. In Schedule 3 (The prescribed construction and use requirements), in paragraph 1, after item 10 insert items 10A, 10B and 10C below, and after item 21 insert items 21A and 21B below—

Item No.	Regulation	Affecting	Applicable to	
			Motor vehicles	Trailers
10A	46B	Rear under-run protection	Yes	Yes
10B	46C	Sideguards	No	Yes
10C	46D	Sideguards	Yes	Yes
21A	105A	Maintenance of rear under-run protection	Yes	Yes
21B	105B	Maintenance of sideguards	Yes	Yes

David Howell,
Secretary of State for Transport.

25th February 1983.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Goods Vehicles (Plating and Testing) Regulations 1982 in the following respects:—

1. In consequence of the application of the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 to certain vehicles manufactured on or after 1st October 1982 and first used on or after 1st April 1983, amendments are made on account of the provision in section 48(5) of the Road Traffic Act 1972 that a certificate of conformity or a Minister's approval certificate shall be treated as a plating certificate (see Regulations 4, 6, 7(*a*), 9, 10, 11 and 12).

2. In consequence of the amendments to certain maximum weights at which vehicles may be used on a road in Great Britain achieved by the Motor Vehicles (Construction and Use) (Amendment) (No. 7) Regulations 1982 (S.I. 1982/1576) and the provision made in the Motor Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 1982 (S.I. 1982/1272) for maximum train weights to be included as plated weights for vehicles other than motor vehicles constructed or adapted to form part of an articulated vehicle, certain provisions relating to weights have been amended (See Regulations 7(*b*) and (*c*), 8 and 13).

3. The prescribed fee for re-tests of certain vehicles is increased from £10 to £21 in the case of a motor vehicle and from £6 to £11 in the case of a trailer (see Regulation 5).

4. Rear under-run protection and sideguards are added to the prescribed construction and use requirements (see Regulation 14).

5. In respect of the amendments summarised above the provisions relating to the interpretation of the Regulations have been amended (see Regulation 3).

SI 1983/239
ISBN 0-11-036239-X

