EXPLANATORY MEMORANDUM

The Motor Vehicles (Tests) (Amendment) Regulations 2004 No.1632

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations increase the fees payable under the Motor Vehicles (Tests) Regulations 1981 for the mandatory periodic examination of certain motor vehicles to ensure that they are roadworthy. Such examinations are commonly known as "MOT" tests.

3. Matters of Special Interest to the JCSI

3.1 None

4. Legislative Background

4.1 These Regulations are made under sections 45 and 46 of the Road Traffic Act 1988 and by virtue of the Department of Transport (Fees) Order 1988.

4.2 Under the Road Traffic Act 1988 it is an offence for certain motor vehicles to be used on the road unless they have been issued with a test certificate within the previous 12 months or time period prescribed. The test certificate is only issued if the vehicle has been examined and found to meet certain requirements relating to its construction and condition, and to its accessories and equipment, and the condition of the vehicle is not such that its use on the road poses a danger. As a result most motorists are required to periodically submit their vehicles for examination.

4.3 The fees for these examinations are prescribed by regulation 20 of the Motor Vehicles (Tests) Regulations 1981 ("the 1981 Regulations"). These Regulations amend regulation 20 of the 1981 Regulations so as to increase the fees for the classes of vehicles tested at privately owned test stations (ranging from motorcycles and cars to goods vehicles up to 3,500 kgs in weight). The fees for MOT tests for public service vehicles are unaffected by these Regulations

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy Background

7.1 The increases these Regulations make to the MOT test fees for motorcycles, cars, and other light vehicles, are all broadly in line with the Treasury forecast inflation rate for 2004/2005 of 2.5%. The increases range from 2.3% to 3.3%.

7.2 In addition to the rate of inflation, the fee increases cater for the additional number of catalyst equipped vehicles within some of the vehicle classes, which increases the average time taken to complete an MOT test for those classes of vehicle. This explains the small variations in the size of the fee increase across the different categories of vehicle.

7.3 The increases introduced by these Regulations ensure that MOT test fees adequately cover the cost to private garages of providing an MOT testing service. Without such increases a number of garages would be unable to meet the costs of their overheads and could decide to opt out of the MOT testing scheme.

7.4 The Minister has made a commitment to the Trade to review MOT fees by 1st August each year.

8. Impact

8.1 A full regulatory impact assessment of the effect that the Regulations will have on the costs of business has been prepared and a copy is attached.

8.2 There is no impact on the public sector.

Contact

9.1 The official within the Department for Transport who can be contacted with any queries on the Regulations is David Briggs, Licensing Roadworthiness & Insurance 2, Department for Transport, Southside, 105 Victoria Street, London, SW1P 4DR; telephone 020 7944 2453; e-mail david.briggs@dft.gsi.gov.uk

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