STATUTORY INSTRUMENTS

2010 No. 449

ROAD TRAFFIC

The Motor Vehicles (Tests) (Amendment) Regulations 2010

Made - - - - *23rd February 2010*

Laid before Parliament *2nd March 2010*

Coming into force in accordance with regulation 1

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 45(2) and (7) and 46(1)(f) and (j) of the Road Traffic Act 1988(**a**).

In determining the amount of the fees specified in these Regulations, the Secretary of State has taken into account the costs of the functions listed in paragraphs 21 to 27 of Schedule 1 of the Department of Transport (Fees) Order 2009(**b**) and has taken into account the matters listed in Schedule 2 to that Order in determining the costs of those functions.

In accordance with section 195(2) of that Act he has consulted with such representative organisations as he thinks fit.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) Regulations 2010 and they come into force on 1st April 2010, except for regulations 4(2) and 5 which come into force on 6th April 2010.

Amendment of Regulations

2. The Motor Vehicles (Tests) Regulations 1981(**c**) are amended as follows.

Interpretation

3. In regulation 3(1), for paragraph (b) of the definition of "out of hours", substitute—

"(b) on any other day, other than between 6.00 am and 8.00 pm;".

(**a**) 1988 c. 52; section 45 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 52 and by the Road Traffic (Vehicle Testing) Act 1999 (c. 12), section 1; section 46 was substituted by the Road Traffic (Vehicle Testing) Act 1999, section 2.

(**b**) S.I. 2009/711. The relevant provisions in S.I. 2009/711 are articles 5(2) and (3) and 9.

(**c**) S.I. 1981/1694; relevant amending instruments are S.I. 1982/783; 1983/1147; 1984/401 and 1126; 1985/834; 1986/372 and 904; 1988/339 and 989; 1989/920 and 1694; 1990/628 and 1186; 1991/253, 455, 1525 and 2229; 1992/566, 1609 and 3160; 1993/3011; 1994/2136; 1995/2438; 1996/1751; 1997/81; 1998/1672; 1999/2199; 2000/1432 and 2322; 2001/1648 and 3330; 2002/488 and 1698; 2003/1113, 1698 and 1815; 2004/1632 and 1879; 2005/1832 and 2341; 2006/1998 and 2680; 2007/506 and 1161; 2008/1402 and 1461; 2009/643 and 802.

Fees for examinations

4.—(1) Regulation 20 is amended as follows.

(2) In the sub-paragraphs of paragraph (1) specified in column (1) of the following Table, for each amount specified in column (2) substitute the amount specified in column (3).

Table

(1) *Sub-paragraphs of paragraph (1) of regulation 20*	*(2)* *Existing Amount (£)*	*(3)* *Substituted Amount (£)*
(a)	29.20	29.65
(aa)	37.20	37.80
(b)	37.20	37.80
(c)(i)	56.45	57.30
(c)(ii)	54.00	54.85
(ca)	63.05	64.00
(d)(i)	79.45	80.65
(d)(ii)	58.65	59.55
(da)(i)	122.65	124.50
(da)(ii)	79.30	80.50
(f)	57.70	58.60

(3) In the sub-paragraphs of paragraph (1) specified in column (1) of the following Table, for each amount specified in column (2) substitute the amount specified in column (3).

Table

(1) *Sub-paragraphs of paragraph (1) of regulation 20*	*(2)* *Existing Amount (£)*	*(3)* *Substituted Amount (£)*
(e)(i)	113	135
(e)(ii)	86	108
(ea)(i)	113	135
(ea)(ii)	86	108

(4) In paragraph (2A), omit the words "Subject to paragraph (2B),".

(5) Omit paragraph (2B).

(6) In paragraph (4)—

(a) in sub-paragraphs (i) and (ii), omit the words "constructed or adapted to carry more than 22 passengers"; and

(b) in the Table, for each amount specified both in that Table and in column (1) in the following Table in relation to each type of fee, substitute the amount specified in column (2) of the following Table in relation to that amount.

Table

Normal Fee(£)		*Out of Hours Fee(£)*		*Designated Premises Fee(£)*		*Out of Hours at Designated Premises Fee (£)*	
(1) Existing Amount	*(2) Substituted Amount*	*(1) Existing Amount*	*(2) Substituted Amount*	*(1) Existing Amount*	*(2) Substituted Amount*	*(1) Existing Amount*	*(2) Substituted Amount*
60	60	85	85	64	60	89	85
113	135	165	187	120	135	172	187
41	42	60	61	45	42	64	61
86	108	124	146	93	108	131	146

Charges for entries in the electronic record and payments on account

5. In regulation 25(1) for "£2.00", substitute "£2.05".

Signed by authority of the Secretary of State

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

23rd February 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Tests) Regulations 1981 ("the 1981 Regulations"), which make provision for certain motor vehicles to be examined by persons authorised by the Secretary of State and for test certificates to be issued for vehicles that are found to meet certain requirements. These certificates are commonly referred to as "MOT Certificates".

Regulation 3 amends the definition of "out of hours" in regulation 3 of the 1981 Regulations so that normal hours on normal working days extend from 6.00 am to 8.00 pm.

Regulation 4 makes amendments to regulation 20 of the 1981 Regulations. Regulation 20 prescribes the fees payable for examinations of vehicles pursuant to applications made under regulation 12 of the 1981 Regulations.

The fee increases for examinations of vehicles other than those in Classes VI and VIA are set out in the following Table (with percentage increases since 6th April 2009 shown in brackets) and take effect on 6th April 2010.

Table

Nature of examination	*Existing fee (£)*	*Substituted fee (£)*
Motor bicycles without a side car.	29.20	29.65 (1.54%)
Motor bicycles with a side car.	37.20	37.80 (1.61%)
Vehicles in Class III ("light motor vehicles" other than motor bicycles).	37.20	37.80 (1.61%)
Vehicles in Class IV ("motor cars" and "heavy motor cars" not being vehicles within Class III, IVA, V, VA, or VII)—		

(i) if the vehicle is a minibus, and (ii) in any other case.	56.45 54.00	57.30 (1.51%) 54.85 (1.57%)
Vehicles in Class IVA (being minibuses which are not within Class IV; the vehicles in this Class cover minibuses, other than those excluded by virtue of a certificate of initial fitness issued on or after 1st August 1998 or compliance with certain type of approval requirements, not being vehicles within Class III, V or VA in respect of which any forward-facing seat is fitted with a relevant seat belt).	63.05	64.00 (1.51%)
Vehicles in Class V ("large passenger-carrying vehicles", particular types of public service vehicles and "play buses" not being vehicles within Class VA)— (i) if the vehicle is constructed or adapted to carry more than 16 passengers, and (ii) in any other case.	79.45 58.65	80.65 (1.51%) 59.55 (1.53%)
Vehicles in Class VA ("large passenger-carrying vehicles", particular types of public service vehicles and "play buses", other than those excluded by virtue of a certificate of initial fitness issued on or after 1st August 1998 or compliance with certain type approval requirements, in respect of which any forward-facing seat is fitted with a relevant seat belt)— (i) if the vehicle is constructed or adapted to carry more than 16 passengers, and (ii) in any other case.	122.65 79.30	124.50 (1.51%) 80.50 (1.51%)
Vehicles in Class VII (goods vehicles with a design gross weight of more than 3,000 kg but not more than 3,500 kg).	57.70	58.60 (1.56%)

The changes to the fees for examinations of vehicles in Classes VI and VIA are set out in the following Table (with percentage increases or decreases shown in brackets) and take effect on 1st April 2010. Class VI and VIA vehicles are public service vehicles other than those of a type specified in regulation 5(3) of the 1981 Regulations and those excluded by virtue of a certificate of initial fitness issued on or after 1st August 1998 or compliance with certain type approval requirements, in respect of which any forward-facing seat is fitted with a relevant seat belt. The percentage changes since the fees were last fixed are shown in brackets.

Table

Nature of examination	*Normal* *(£)*	*Out of Hours* *(£)*	*Designated Premises* *(£)*	*Out of Hours at Designated Premises* *(£)*
Examination under regulation 12 of the 1981 Regulations of a vehicle constructed or adapted to carry more than 22 passengers.	135 (19.5%)	187 (13.3%)	135 (12.5%)	187 (8.7%)
Examination under regulation 12 in any other case.	108 (25.6%)	146 (17.7%)	108 (16.1%)	146 (11.5%)
Re-examination of a vehicle constructed or adapted to carry more than 22 passengers, within 14 days of previous examination.	60 (0.0%)	85 (0.0%)	60 (-6.3%)	85 (-4.5%)
Re-examination of a vehicle constructed or adapted to carry more than 22 passengers, later than 14 days after previous examination.	135 (19.5%)	187 (13.3%)	135 (12.5%)	187 (8.7%)
Re-examination of any other vehicle within 14 days of previous examination.	42 (2.4%)	61 (1.7%)	42 (-6.7%)	61 (-4.7%)
Re-examination of any other vehicle later than 14 days after previous examination.	108 (25.6%)	146 (17.7%)	108 (16.1%)	146 (11.5%)

Regulation 5 provides for an increase in the charge for the making of entries in the computerised record in respect of vehicles which pass the MOT test. The charge is being increased by 2.5% from £2.00 to £2.05. (There is no charge for entries in respect of vehicles which fail the MOT test). This change takes effect on 6th April 2010.

Impact assessments of the effect that this instrument will have on the costs of business and the voluntary sector have been carried out. The impact assessment for changes taking effect on 1st April 2010 is available from the VOSA Corporate Office, Berkeley House, Croydon Street, Bristol BS5 0DA (telephone: 0117 954 3200). The impact assessment for changes taking place on 6th April 2010 is available from the Department for Transport, zone 2/09, 2nd floor, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone number: 020 7944 2457). Copies have been placed in the library of each House of Parliament. The impact assessments are annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website www.opsi.gov.uk.

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