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STATUTORY INSTRUMENTS

2009 No. 719

ROAD TRAFFIC

The Motor Vehicles (Type Approval and Approval Marks) (Fees) (Amendment) Regulations 2009

Made - - - -	*24th March 2009*
Laid before Parliament	*27th March 2009*
Coming into force - -	*29th April 2009*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(**a**) and by virtue of the Department of Transport (Fees) Order 1988(**b**), and section 128 of the Finance Act 1990(**c**).

In relation to the exercise of his powers under the Finance Act 1973 he has the consent of the Treasury.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Type Approval and Approval Marks) (Fees) (Amendment) Regulations 2009 and come into force on 29th April 2009.

Preliminary

2. The Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations 1999(**d**) are amended as follows.

Amendment to regulation 3 (interpretation)

3.—(1) Regulation 3 is amended as follows.

(2) In paragraph (2)—

(a) in the definition of "approval requirements"—

(i) omit "or" after subparagraph (a)(iii); and

(ii) insert after subparagraph (a)(iv)—

(**a**) 1973 c.51.

(**b**) S.I. 1988/643, which was made under section 102 of the Finance (No. 2) Act 1987 (c.51). The relevant reference in S.I. 1988/643 in Schedule 1, Table II, item B, which was amended by S.I. 2009/711. There are other amending instruments but none is relevant.

(**c**) 1990 c. 29.

(**d**) S.I. 1999/2149, amended by S.I. 2003/2258, 2004/2106 and 2006/1638.

"(v) Schedule 4 to the Approval Regulations; or";

(b) for the definition of "Community instrument" substitute—

""Community instrument" means a regulatory act within the meaning of paragraph (a) of the definition of that expression in regulation 3(1) of the Approval Regulations;";

(c) for the definition of "ECE Regulation" substitute—

""ECE Regulation" means a regulatory act within the meaning of paragraph (b) of the definition of that expression in regulation 3(1) of the Approval Regulations;";

(d) omit the definition of "European Regulations";

(e) for the definition of "Framework Directive" substitute—

""Framework Directive" has the same meaning as in regulation 3(1) of the Approval Regulations;" and

(f) insert each of the following definitions at the appropriate place—

""Approval Regulations" means the Road Vehicles (Approval) Regulations 2009(**a**);

"national small series type approval" has the same meaning as in regulation 3(1) of the Approval Regulations;

"regulatory act" has the same meaning as in regulation 3(1) of the Approval Regulations;".

(3) In paragraph (4), for "N2 or N3", in both places substitute "N2, N3, O1, O2, O3 or O4".

Fees – examination of a vehicle under the national small series type approval scheme

4. After regulation 5, insert—

"**Fees – examination of a vehicle under the national small series type approval scheme**

5A.—(1) In this regulation, "vehicle type approval certificate" means a type approval certificate issued under regulation 25(3) of the Approval Regulations in relation to a complete, incomplete or completed vehicle (being expressions used in the Framework Directive).

(2) Expressions used in this regulation or in Part III of Schedule 1 which are also used in the Framework Directive have the same meaning as in that Directive and cognate expressions shall be construed accordingly.

(3) Subject to paragraphs (6) and (7), the fees prescribed for the purposes of regulation 24(3)(b)(ii) of the Approval Regulations for—

(a) the examination of a vehicle; and

(b) administrative work (other than the issue of the vehicle type approval certificate),

with a view to the issue of such a certificate on the basis that all necessary approvals have previously been obtained shall be the amounts determined in accordance with paragraphs (4) and (5).

(4) Where the application under regulation 24(1) of the Approval Regulations is for the issue of a vehicle type approval certificate in relation to a complete vehicle, the amounts payable shall be the amounts specified in the appropriate table in Part III of Schedule 1.

(5) Where—

(a) the application is for a vehicle type approval certificate in relation to an incomplete vehicle or a completed vehicle; and

(b) the examination is not as complete and exhaustive as would otherwise be required,

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(**a**) S.I. 2009/717.

the fees shall be such proportion of the relevant sums specified in the appropriate table in Part III of Schedule 1 as the Secretary of State considers to be appropriate in view of the nature and extent of the work involved.

(6) Where in the case of an examination of a vehicle with a view to the issue of a vehicle type approval certificate—

(a) it has been found impossible to complete the examination satisfactorily;

(b) the vehicle has been found not to comply in all aspects with the relevant approval requirements; or

(c) a vehicle type approval certificate has previously been issued in respect of a vehicle of that type but the vehicle incorporates changes in detail not covered by the certificate,

and a further, but partial, examination of the vehicle is required before the vehicle type approval certificate can properly be issued in respect of it, the fee for that partial examination shall be such proportion of the relevant sums specified in Part III of Schedule 1 as the Secretary of State considers to be appropriate in view of the nature and extent of that partial examination.

(7) Where, in relation to an application for a vehicle type approval certificate, more than one vehicle is examined the fee in respect of the vehicle that undergoes the most extensive examination shall be determined in accordance with the foregoing provisions of this regulation and the fee in respect of each of the other vehicles shall be such proportion of that fee as the Secretary of State considers to be appropriate in view of the nature and extent of the examination carried out on that other vehicle.

(8) This regulation is subject to regulations 19 and 20.".

Amendment to regulation 6 (fees - examination of a vehicle with a view to the issue of an EC vehicle type approval certificate)

5.—(1) Regulation 6 is amended as follows.

(2) In paragraph (1), for "regulation 4(5) of the European Regulations" substitute "regulation 13(3) of the Approval Regulations".

(3) In paragraphs (2), (5) and (6), for "Part III" substitute "Part IV".

(4) In paragraph (4), for "Part III" substitute "the appropriate table in Part IV".

Amendment to regulation 9 (fees - issue of documents)

6. In regulation 9(4), for "European" substitute "Approval".

Amendments to Schedule 1

7.—(1) Schedule 1 is amended as follows.

(2) In the heading, for "European" substitute "Approval".

(3) Part III is substituted by Parts III and IV set out in Schedule 1 to these Regulations.

Amendment to Schedule 4

8. In Schedule 4, for Part III substitute the Part set out in Schedule 2.

Omission of Schedule 5

9. Omit Schedule 5.

Signed by authority of the Secretary of State

Jim Fitzpatrick
Parliamentary Under Secretary of State
24th March 2009 Department for Transport

We consent to the making of these Regulations to the extent that they are made in exercise of the powers by section 56(1) and (2) of the Finance Act 1973

Tony Cunningham

Dave Watts
18th March 2009 Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Regulation 7(3)

"PART III

THE APPROVAL REGULATIONS – NATIONAL SMALL SERIES TYPE APPROVAL

Table 1

(1) *Description of examination or part of examination for vehicles in categories M_1, M_2 or N_1*	*(2)* *Fee No.*	*(3)* *Amount of fee (£)*
Receipt of application and planning of the examination process	60030	290
Examination of a vehicle	60021	2,000
Compilation and administrative checking of documentation in relation to:		
(a) each type of vehicle, and	60022	440
(b) for each variant—		
(i) where less than 5 versions are involved	60023	55
(ii) where 5 or more versions are involved	60024	100
Conformity of Production Clearance	60028	1,785

Table 2

(1) *Description of examination or part of examination for vehicles in categories M_3, N_2 or N_3*	*(2)* *Fee No.*	*(3)* *Amount of fee (£)*
Receipt of application and planning of the examination process	60030	290
Examination of a vehicle	60021	2,000
Compilation and administrative checking of documentation in relation to:		
(a) each type of vehicle, and	60032	850
(b) for each variant—		
(i) where less than 5 versions are involved	60023	55
(ii) where 5 or more versions are involved	60024	100
Conformity of Production Clearance	60028	1,785

Table 3

(1) *Description of examination or part of examination for vehicles in categories O_1, O_2, O_3 and O_4*	*(2)* *Fee No.*	*(3)* *Amount of fee (£)*
Receipt of application and planning of the examination process	60030	290
Examination of a vehicle	60031	1,000
Compilation and administrative checking of documentation in relation to:		
(a) each type of vehicle, and (b) for each variant—	60042	330
(i) where less than 5 versions are involved	60023	55
(ii) where 5 or more versions are involved	60024	100
Conformity of Production Clearance	60028	1,785

PART IV

THE APPROVAL REGULATIONS – EC TYPE APPROVAL

Table 1

(1) *Description of examination or part of examination for vehicles in categories M_1, M_2 and N_1*	*(2)* *Fee No.*	*(3)* *Amount of fee (£)*
Receipt of application and planning of the examination process	60020	315
Examination of a vehicle	60021	2,000
Compilation and administrative checking of documentation in relation to:		
(a) each type of vehicle, and (b) for each variant—	60022	440
(i) where less than 5 versions are involved	60023	55
(ii) where 5 or more versions are involved	60024	100
Conformity of Production Clearance	60028	1,785

Table 2

(1) *Description of examination or part of examination for vehicles in categories M_3, N_2 or N_3*	*(2)* *Fee No.*	*(3)* *Amount of fee (£)*
Receipt of application and planning of the examination process	60020	315
Examination of a vehicle	60021	2,000
Compilation and administrative checking of documentation in relation to:		
(a) each type of vehicle, and	60032	850
(b) for each variant—		
(i) where less than 5 versions are involved	60023	55
(ii) where 5 or more versions are involved	60024	100
Conformity of Production Clearance	60028	1,785

Table 3

(1) *Description of examination or part of examination for vehicles in categories O_1, O_2, O_3 or O_4*	*(2)* *Fee No.*	*(3)* *Amount of fee (£)*
Receipt of application and planning of the examination process	60020	315
Examination of a vehicle	60031	1,000
Compilation and administrative checking of documentation in relation to:		
(a) each type of vehicle, and	60042	330
(b) for each variant—		
(i) where less than 5 versions are involved	60023	55
(ii) where 5 or more 5 versions are involved	60024	100
Conformity of Production Clearance	60028	1,785”

SCHEDULE 2

Regulation 8

"PART III

VEHICLES TO WHICH THE APPROVAL REGULATIONS APPLY

(1) *Description of document*	*(2)* *Fee No.*	*(3)* *Amount of fee (£)*
Type approval certificate issued in accordance with article 4(2) of the Framework Directive	80050	75"

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations 1999 ("the 1999 Regulations") prescribe the fees payable for the examination of vehicles and vehicle parts, and the issue of documents in connection with the type approval (both European and National) of vehicles and vehicle parts. These Regulations insert new fees provisions (in respect of national small series type approval and new EC type approval schemes) into, and make consequential amendments to, the 1999 Regulations as a result of the Road Vehicles (Approval) Regulations ("the Approval Regulations") implementing Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles ("the Framework Directive") (OJ No L263, 9.10.2007, p.1).

Regulation 3 amends existing definitions and inserts new definitions into the 1999 Regulations. The definitions of "Community Instrument" and "ECE Regulation" are amended to cross refer to the definition of "regulatory act" in the Approval Regulations. This is intended to have the effect of referring to the Directives, Regulations or ECE Regulations listed in Annex IV or XI of the Framework Directive. Schedule 5 to the 1999 Regulations is no longer required (*Regulation* 9). *Regulation 3(3)* amends the categories of vehicle so as to include a reference to the various categories of trailer (O1 to O4).

Regulation 4 inserts new regulation 5A into the 1999 Regulations. Regulation 5A makes provision for the vehicle examination and fees in respect of the national small series type approval scheme. The fees are contained in Part III of Schedule 1 to the 1999 Regulations (*Regulation 7(3)* and *Schedule 1*) and are set out in column (3) of the Table.

Regulation 5 amends regulation 6 of the 1999 Regulations in respect of the fees for EC vehicle type approval. The fees are contained in Part IV of Schedule 1 of the 1999 Regulations (*Regulation 7(3)* and *Schedule 1*) and are set out in column (4) of the Table.

Table

(1) *Vehicle category*	*(2)* *Description of examination or part of examination*	*(3)* *NSSTA fee (£)*	*(4)* *ECWVTA fee (£)*
M_1, M_2 and N_1	Receipt of application and planning of the examination process	290	315
	Examination of a vehicle	2,000	2,000
	Compilation and administrative checking of documentation in relation to:		
	(a) each type of vehicle	440	440
	(b) for each variant		
	(i) where less than 5 versions are involved	55	55
	(ii) where 5 or more versions are involved	100	100
	Conformity of Production Clearance	1,785	1,785
M_3, N_2 and N_3	Receipt of application and planning of the examination process	290	315
	Examination of a vehicle	2,000	2,000
	Compilation and administrative checking of documentation in relation to:		
	(a) each type of vehicle	850	850
	(b) for each variant		
	(i) where less than 5 versions are involved	55	55
	(ii) where 5 or more versions are involved	100	100
	Conformity of Production Clearance	1,785	1,785
O_1, O_2, O_3 and O_4	Receipt of application and planning of the examination process	290	315
	Examination of a vehicle	1,000	1,000
	Compilation and administrative checking of documentation in relation to:		
	(a) each type of vehicle	330	330
	(b) for each variant		
	(i) where less than 5 versions are involved	55	55
	(ii) where 5 or more versions are involved	100	100
	Conformity of Production Clearance	1,785	1,785

Regulation 8 and *Schedule 2* amend Part III in Schedule 4 to the 1999 Regulations to provide a fee of £75 for the issue of a type approval certificate under regulations 5A and 6 of the 1999 Regulations.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Transport Technology and Standards Division, Department for Transport, Zone 2/01, Great Minster House, 76 Marsham Street, London, SW1P 4DR (telephone number: 020 7944 8300); or may be accessed via the Department's website at www.dft.gov.uk. A copy has been placed in the library of each House of Parliament. The impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website www.opsi.gov.uk.

A copy of the Regulations referred to in these Regulations may be obtained from the Stationery Office (telephone: 0870 2600 5522, website www.tsoshop.co.uk).

A copy of Directive 2007/46/EC may be obtained from the Stationery Office or viewed in the Official Journal of the European Union via the EU website at www.europa.eu.int/eur-lex.

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2009 No. 719

ROAD TRAFFIC

The Motor Vehicles (Type Approval and Approval Marks) (Fees) (Amendment) Regulations 2009

£5.50

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