EXPLANATORY MEMORANDUM TO

THE ROAD VEHICLES (INDIVIDUAL APPROVAL) (FEES) (AMENDMENT) REGULATIONS 2012

2012 No. 1271

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 These Regulations make allowance for a small difference in fee-charging practice in Northern Ireland for Individual Vehicle Approval compared to the rest of the UK.

2.2 The Road Vehicles (Individual Approval) (Fees) Regulations 2009 (S.I. 2009/718) ("the principal Regulations") at present specify a premium to be charged for testing vehicles outside normal working hours. In Northern Ireland, historically no premium was charged and this amendment is now being brought forward to permit the previous practice to continue.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

4.1 The Road Vehicles (Approval) Regulations 2009 (S.I. 2009/717) ("the Approval Regulations") were made as a part of a package of amending regulations implementing EC Directive 2007/46/EC, the motor vehicle type approval framework directive. The new regime substantially extended and revised the systems currently in operation under which new vehicles are approved for use on the road. The Approval Regulations were made under section 2(2) of the European Communities Act 1972, in contrast to previous regulations which had been made for Great Britain under powers in the Road Traffic Act 1988 (applicable to Great Britain only), and under the corresponding legislation in Northern Ireland, the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).

4.2 The principal Regulations were made at the same time as the Approval Regulations and prescribed the fees charged in relation to individual approval testing, which is a scheme for approving single vehicles, the rules of which are set out in the Approval Regulations. The principal Regulations extend to the whole of the United Kingdom, as do the Approval Regulations.

4.3 Historically, Northern Ireland had its own set of single vehicle approval Regulations (the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 172)) and charged different fees, with some differences in practice to that in Great Britain. It has emerged that the move to a UK-wide regulatory scheme means that some minor changes to the principal Regulations are necessary to permit certain elements of long-established practice in Northern Ireland to continue. The introduction of these Regulations will enable Northern Ireland to place its current practice of waiving the "out of hours" fee on a statutory footing.

5. Territorial Extent and Application

5.1 This instrument extends to the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 The European road vehicle type approval system was revised in 2009, in order to create a single European market in all new road vehicles (including buses, trucks and trailers) and to improve road safety and protection of the environment.

7.2 Until 2009 the majority of passenger cars were type-approved by the manufacturer to European standards. However for those that were not so approved, such as personal imports and vehicles imported by independent traders from markets like Japan and the USA, as well as for self-built "kit cars", a simplified regime of single (or individual) vehicle approval has been in operation since 1998. Separate (but similar) regimes were in operation in Great Britain and Northern Ireland until 2009, but now the same regime is applied across the United Kingdom.

7.3 Historically there were a number of differences in fee-charging practice between Great Britain and Northern Ireland. Under the new regime, these differences have for the most part been reconciled but it has proved impossible to align the practice as regards charging for testing outside normal working hours, for which in Great Britain VOSA historically charged a premium. For this reason, the amendments contained in this instrument are put forward to permit Northern Ireland to continue its long-established practice whereby a premium is not charged for testing during certain periods which are treated as being "out of hours" in Great Britain, for example, on Saturdays.

8. Consultation outcome

8.1 The Department has not explicitly consulted on this amendment in view of its very minor nature and because it simply ensures the maintenance of what was formerly the status quo in relation to the charging regime in Northern Ireland.

9. Guidance

The Department and its Agencies have produced a number of documents giving guidance on aspects of the implementation of Directive 2007/46/EC. None are specifically targeted at these consequential amendments since the change in question is so minor and simply maintains the former status quo regarding the charging regime in Northern Ireland.

10. Impact

10.1 An Impact Assessment showing the impact of the implementation of Directive 2007/46/EC on business, charities and voluntary bodies was prepared in 2009. Introducing this amendment has a negligible impact on the overall outcome so no additional impact assessment has been prepared.

10.2 There should be no impact on the public sector, because the system will be self-financing.

11. Regulating small business

11.1 This amendment will apply to small businesses but no special measures are foreseen as being required, since it simply maintains the former status quo.

12. Monitoring & review

A special review of this amendment is not expected or seen as necessary, since fee levels are reviewed regularly (normally on a yearly basis).

13. Contact

Mike Lowe at the Department for Transport (tel. 020 7944 8300) or Uel Banks at the Department of Environment (NI) (tel. 028 90 540074) can answer any queries regarding the instruments.