STATUTORY INSTRUMENTS

2009 No. 3103

ROAD TRAFFIC

The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 2009

Made - - - -	*23rd November 2009*
Laid before Parliament	*30th November 2009*
Coming into force - -	*22nd December 2009*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 57(2) and 61B of the Vehicle Excise and Registration Act 1994(**a**).

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 2009 and come into force on 22nd December 2009.

Preliminary

2. Schedule 2 (reduced pollution certificates and the reduced pollution requirements) to the Road Vehicles (Registration and Licensing) Regulations 2002(**b**) is amended in accordance with the following regulations.

Amendments to paragraph 1 (interpretation of Schedule)

3. In paragraph 1, insert each of the following definitions at the appropriate place—

""prescribed declarations" means—

(a) a declaration by the responsible person that the prescribed information is correct in relation to a particular eligible vehicle; and

(b) a declaration by the person applying for the reduced pollution certificate that—

(i) that same vehicle has not been modified so as to affect the gaseous emissions engine type approval; and

(ii) the information provided in accordance with paragraph 3(3) is correct;"

""prescribed information" means the engine type reference of the vehicle, the number of the Gaseous Emissions Engine Type Approval Certificate with which the vehicle conformed on construction and the name and address of the manufacturer or import concessionaire of the vehicle;" and

(**a**) 1994 c.22; section 61B was inserted by the Finance Act 1998 (c.36), Schedule 1, paragraph 2 and was amended by the Finance Act 2008 (c.9), section 148.

(**b**) S.I. 2002/2742; relevant amending instruments are S.I. 2006/2320, 2007/2553, 2008/1444 and 2009/880.

""responsible person" means a person authorised to make a declaration on behalf of the manufacturer or import concessionaire of an eligible vehicle;".

Insertion of new paragraph 1A (specified cases)

4. After paragraph 1 insert—

"**Specified cases**

1A.—(1) Where in a particular case the Secretary of State so specifies, the determination of whether to issue a reduced pollution certificate upon an application in respect of an eligible vehicle shall only be made after a reduced pollution examination.

(2) A case which is specified under sub-paragraph (1) is referred to in this Schedule as a "specified case".".

Amendments to paragraph 2 (applications for reduced pollution certificates)

5. In paragraph 2—

(a) at the end of sub-paragraph (1), insert "and shall be accompanied by the prescribed fee, the information specified in paragraph 3(3) and, except in a specified case, the prescribed information and the prescribed declarations"; and

(b) at the beginning of sub-paragraph (2), insert "In a specified case or where the applicant requests that a reduced pollution examination is carried out,".

Amendments to paragraph 5 (determination of applications etc.)

6. In paragraph 5—

(a) before sub-paragraph (1), insert—

"(1) Except in a specified case or where the applicant requests that a reduced pollution examination is carried out, an authorised examiner shall, on the basis of the prescribed information and the prescribed declarations, determine whether to issue a reduced pollution certificate.";

(b) in sub-paragraph (1)—

(i) omit "who has carried out a reduced pollution examination";

(ii) for "the eligible vehicle" substitute "an eligible vehicle";

(c) in sub-paragraph (3), omit "that he has examined"; and

(d) renumber all the sub-paragraphs except that inserted by paragraph (a) above accordingly.

Amendments to paragraph 6 (contents of a reduced pollution certificate)

7. In paragraph 6 at the beginning of sub-paragraph (g), insert "if appropriate,".

Amendments to paragraph 8 (re-examination of an eligible vehicle etc.)

8. In paragraph 8 after sub-paragraph (3), add—

"(4) For the purposes of this paragraph "re-examination" includes an examination of an eligible vehicle not previously examined.".

Amendments to paragraph 12 (appeal against refusal or revocation of a certificate)

9. In paragraph 12—

(a) in sub-paragraph (1), omit "following a reduced pollution examination"; and

(b) in paragraph (2)(a), for "paragraph 5(3)" substitute "paragraph 5(4)".

Amendments to paragraph 13 (prescribed fees)

10. In paragraph 13—

(a) before sub-paragraph (1), insert—

"(A1) The prescribed fee for a determination of an application for a reduced pollution certificate, other than in a specified case or where the applicant requests that a reduced pollution examination is carried out, shall be £32."; and

(b) in sub-paragraph (1), for "sub-paragraphs (1) and (3) the prescribed fee for carrying out any examination" substitute "sub-paragraphs (2) and (3) the prescribed fee for a determination of an application for a reduced pollution certificate in a specified case or where the applicant requests that a reduced pollution examination is carried out in respect".

Signed by the authority of the Secretary of State

Sadiq Khan
Minister of State
Department for Transport

23rd November 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 2 to the Road Vehicles (Registration and Licensing) Regulations 2002 ("the 2002 Regulations").

These Regulations allow for a reduced pollution certificate to be issued, where appropriate, on the basis of a document check rather than a physical examination. A reduced pollution certificate entitles specified heavy goods vehicles and buses to a reduced rate of Vehicle Excise Duty.

Regulation 3 inserts definitions of "prescribed declarations", "prescribed information" and "responsible person".

Regulation 4 inserts new paragraph 1A which enables the Secretary of State to require that a particular vehicle should be examined before a determination is made of whether to issue a reduced pollution certificate in respect of that vehicle.

Regulation 5 amends paragraph 2 to refer to the declarations and documents that must be provided in support of a paper only application for a reduced pollution certificate.

Regulation 6 inserts new sub-paragraph (1) into paragraph 5 which enables an authorised examiner to determine whether to issue a reduced pollution certificate on the basis of a paper application alone. This regulation also makes consequential amendments to other provisions in paragraph 5 to reflect the fact that a physical examination of a vehicle may not be necessary prior to the issue of a reduced pollution certificate.

Regulations 7, 8 and *9* make further consequential amendments to the 2002 Regulations to reflect the fact that a physical examination of a vehicle may not be necessary prior to the issue of a reduced pollution certificate.

Regulation 10 inserts new sub-paragraph (A1) into paragraph 13 which prescribes a fee of £32 when an application for a reduced pollution certificate is determined on paper. This regulation also corrects a drafting error at paragraph 13(1) of the 2002 Regulations.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from VOSA Corporate Office, Berkeley House, Croydon Street, Bristol BS5 0DA (telephone number: 0117 954 3200) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website, www.opsi.gov.uk. A copy of the assessment has been placed in the library of each House of Parliament.

A copy of Directive 1999/37/EC (as amended by Commission Directive 2003/127/EC) which is referred to in the 2002 Regulations may be obtained from the Office of Public Sector Information or viewed in the Official Journal of the European Union via the EUR-Lex website at http://eur-lex.europa.eu/.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 978-0-11-148848-5

£4.00

E5368 12/2009 195368T 19585

9 780111 488485