STATUTORY RULES OF NORTHERN IRELAND

2004 No. 65

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Approval) (Fees) Regulations (Northern Ireland) 2004

Made - - - -	*26th February 2004*
Coming into operation	*31st March 2004*

The Department of the Environment, in exercise of the powers conferred on it by Articles 31D(1) and (2) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**1**), and of powers conferred by section 128(2) of the Finance Act 1990(**2**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Approval) (Fees) Regulations (Northern Ireland) 2004 and shall come into operation on 31st March 2004.

Interpretation

2.—(1) In these Regulations –

"the Approval Regulations" means the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001(**3**);

"the Directive" means Council Directive 70/156/EEC(**4**) as amended by Council Directive 87/403/EEC(**5**) and Council Directive 92/53/EEC(**6**);

"EC certificate of conformity" means any certificate of conformity issued by a manufacturer under regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998(**7**), or under any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the Directive;

"EC type approval" means –

(**1**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"; Article 31D was inserted by S.I. 1985/755 (N.I. 6), Article 3 and amended by S.R. 1993 No. 246, regulation 5
(**2**) 1990 c. 29
(**3**) S.R. 2001 No. 172 as amended by S.R. 2004 No. 30
(**4**) O.J. No. L42, 23.2.70, p. 1
(**5**) O.J. No. L220, 8.8.87, p. 44
(**6**) O.J. No. L225, 10.8.92, p. 1
(**7**) S.I. 1998/2051

(a) vehicle type approval in relation to a passenger vehicle or goods vehicle granted pursuant to the Directive, and

(b) system, component or separate technical unit type approval granted pursuant to a separate Directive;

"exceptional circumstances" means an accident, a fire, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts for that vehicle);

"further application" means an application made in accordance with regulation 5(6) of the Approval Regulations;

"goods vehicle" means a motor vehicle of a kind referred to in regulation 3(A)(2)(**8**) of the Approval Regulations;

"model report" means a collection of data and information about a vehicle which is not a Schedule 1 vehicle that has been submitted by an applicant for the purposes of approval of other vehicles of the same model under regulation 4(1)(b)(**9**) of the Approval Regulations and which demonstrates to the satisfaction of the Department compliance with the relevant provisions of Schedule 3 to the Approval Regulations;

"original application" means an application made in accordance with regulation 5(1) to (3) of the Approval Regulations, not being a further application;

"passenger vehicle" means a motor vehicle to which the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(**10**) apply;

"same model" means, in relation to two or more vehicles, vehicles that are the same as each other in all the aspects of their technical specification relevant to the subject matter of Schedule 3 to the Approval Regulations; and

"Schedule 1 vehicle" has the same meaning as in Schedule 1 to the Approval Regulations.

(2) For the purposes of these Regulations, a vehicle is to be regarded as being manufactured on or after a particular date if it is first assembled on or after that date, even if it includes one or more parts which were manufactured before that date.

Application

3. These Regulations apply to every motor vehicle to which Part II of the Approval Regulations applies.

4.—(1) Subject to paragraph (2), the fee prescribed for the purposes of regulation 5(3)(b) of the Approval Regulations, in respect of an original application, is –

(a) £200 in the case of any passenger vehicle which is a Schedule 1 vehicle;

(b) £85 in the case of any goods vehicle which is a Schedule 1 vehicle;

(c) £265 in the case of any passenger vehicle which is not a Schedule 1 vehicle but which is the subject of a model report;

(d) £255 in the case of any passenger vehicle which is not a Schedule 1 vehicle and is not the subject of a model report;

(e) £125 in the case of any goods vehicle which is not a Schedule 1 vehicle but which is the subject of a model report;

(**8**) Regulation 3A was substituted by S.R. 2004 No. 30, regulation 3
(**9**) Regulation 4 was amended by S.R. 2004 No. 30, regulation 4
(**10**) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1987 No. 389, S.R. 1988 No. 405, S.R. 1990 No. 84, S.R. 1991 No. 408, S.R. 1992 Nos. 86 and 508, S.R. 1995 No. 38, S.R. 1996 No. 156, S.R. 1998 No. 363, S.R. 1999 No. 234 and S.R. 2001 No. 174

(f) £115 in the case of any goods vehicle which is not a Schedule 1 vehicle and is not the subject of a model report;

(g) £50 in the case of a goods vehicle which is of a type that has EC Type Approval but which does not have an EC certificate of conformity and where the Department is satisfied that the vehicle has been driven no more than 3000km since the date of manufacture; and

(h) £50 in the case of any passenger vehicle which is of a type that has EC Type Approval but which does not have an EC certificate of conformity and where the Department is satisfied that the vehicle has been driven no more than 3000km since the date of manufacture.

(2) Where the condition specified in regulation 4(7)(c) of the Approval Regulations applies, the fee prescribed for the purposes of regulation 5(3)(b) of those Regulations is –

(a) in the case of any Schedule 1 vehicle, £80;

(b) in the case of any vehicle which is not a Schedule 1 vehicle but which is the subject of a model report, £120; and

(c) in the case of any vehicle which is not a Schedule 1 vehicle and which is not the subject of a model report, £110.

5.—(1) The fee prescribed for the purposes of regulation 5(7)(d) of the Approval Regulations, in respect of a further application, is –

(a) £10 in the case of a goods vehicle which is of a type which has EC Type Approval but which does not have an EC certificate of conformity and where the Department is satisfied that the vehicle has been driven no more than 3000km since the date of manufacture;

(b) £21 in the case of any other goods vehicle;

(c) £10 in the case of any passenger vehicle which is of a type which has EC Type Approval but which does not have an EC certificate of conformity and where the Department is satisfied that the vehicle has been driven no more than 3000km since the date of manufacture; and

(d) £45 in the case of any other passenger vehicle.

(2) Any fee which would otherwise be payable by virtue of regulation 5(7)(d) of the Approval Regulations, in respect of a further application, shall not be payable if, by agreement, the vehicle is submitted for examination at the place at which it was previously examined before the end of the fifth day following that examination on which the Department will accept vehicles for examination and –

(a) the requirements of paragraph (3) are met in the case of any passenger vehicle; or

(b) the requirements of paragraph (4) are met in the case of any goods vehicle.

(3) The requirements of this paragraph are that the further application must be due only to a failure to comply with –

(a) the requirements of one or more items of the Table in Schedule 2 to the Approval Regulations in respect of which sufficient documentary evidence is produced to the Department before the examination to satisfy it as to compliance with those requirements; or

(b) the requirement in item 11 of the Table in Schedule 3 to the Approval Regulations to display a child restraint warning label,

or any combination of sub-paragraphs (a) and (b).

(4) The requirements of this paragraph are that the further application must be due only to a failure to comply with the requirements of –

(a) one or more items of the Table in Schedule 2 to the Approval Regulations in respect of which sufficient documentary evidence is produced to the Department before the examination to satisfy it as to compliance with the requirements of those items; or