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STATUTORY INSTRUMENTS

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1985 No. 755 (N.I. 6)

**NORTHERN IRELAND**

**The Road Traffic (Type Approval)  
(Northern Ireland) Order 1985**

*Laid before Parliament in draft*

*Made* 15th May 1985

*Coming into Operation* 16th July 1985

ARRANGEMENT OF ORDER

Article

*Introductory*

1. Title and commencement.
2. Interpretation.

*Type approval*

3. Type approval.
4. Power of entry for inspection and testing.
5. Penalties.

At the Court at Buckingham Palace, the 15th day of May 1985

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

*Introductory*

*Title and commencement*

1.—(1) This Order may be cited as the Road Traffic (Type Approval) (Northern Ireland) Order 1985.

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(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

*Interpretation*

1954 c. 33 (N.I.)

**2.**—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

1981 NI 1

(2) In this Order “the principal Order” means the Road Traffic (Northern Ireland) Order 1981.

*Type approval*

*Type approval*

**3.** In Part IV of the principal Order (which contains, amongst other things, provisions relating to the use, construction and equipment of motor vehicles), after Article 31 there shall be inserted the following Articles—

*“Approval of design, construction, etc., of motor vehicles*

**31A.**—(1) Without prejudice to Article 28, the Department may by regulations prescribe requirements (“type approval requirements”) with respect to the design, construction, equipment and marking of motor vehicles, being requirements which are applicable before, whether or not they are applicable after, the motor vehicles are used on a road.

(2) Where the Department is satisfied, on an application made to it by the manufacturer of a motor vehicle to which regulations under paragraph (1) apply and after examination of the motor vehicle,—

- (a) that the motor vehicle complies with the relevant type approval requirements; and
- (b) that adequate arrangements have been made to secure that other motor vehicles purporting to conform with that motor vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,

the Department may approve that motor vehicle as a type vehicle and, if so, shall issue a certificate (a “type approval certificate”) stating that the motor vehicle complies with the relevant type approval requirements and specifying the permitted variations from the type vehicle for motor vehicles so conforming in all respects and for motor vehicles so conforming with any such variations.

(3) A manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each motor vehicle manufactured by him which conforms with the type vehicle

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in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (a “certificate of conformity”) stating that it does so conform.

(4) Where the Department is satisfied, on an application made to it by any person in respect of a motor vehicle to which regulations under paragraph (1) apply and after examination of the motor vehicle, that it complies with the relevant type approval requirements, the Department may issue a certificate (a “Department’s approval certificate”) stating that the motor vehicle complies with those requirements.

(5) Where a Department’s approval certificate is given as respects a motor vehicle and the Department is satisfied on an application made to it by the manufacturer of the motor vehicle or, in the case of an imported motor vehicle, the importer of the motor vehicle, and after the consideration of such evidence as the Department thinks necessary that any other motor vehicle manufactured by that manufacturer or, as the case may be, imported by that importer, conforms with the first-mentioned motor vehicle as respects the relevant aspects of design, construction, equipment and marking, the Department may issue a Department’s approval certificate in respect of that other motor vehicle without examining it.

(6) Where the Department determines on an application under this Article not to issue a type approval certificate or a Department’s approval certificate, the Department shall give the applicant a written notification of the determination, stating the grounds on which it is based.

(7) In this Article and Articles 31B to 31D—

“conform” means conform in all respects or with any permitted variation;

“motor vehicle” includes a vehicle part;

“relevant aspects of design, construction, equipment and marking” means those aspects of design, construction, equipment and marking which are subject to the type approval requirements;

“type vehicle” means a motor vehicle approved by the Department under paragraph (2).

*Supplementary provisions relating to type approval and other certificates*

**31B.**—(1) A type approval certificate may be issued under Article 31A(2) subject to conditions with respect to—

(a) the inspection by any person authorised for the purposes of this paragraph by the Department of motor vehicles purporting to conform with the type vehicle in the relevant

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aspects of design, construction, equipment and marking and the entry of premises where they are manufactured; and

- (b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such motor vehicles and the type vehicle which might affect the type approval requirements.

(2) A type approval certificate may be issued under Article 31A(2) for a type vehicle where the Department is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle, and—

- (a) a further type approval certificate may be issued by virtue of this paragraph on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references in Article 31A and this Article to a manufacturer shall be construed accordingly;
- (b) any certificate of conformity issued in consequence of any type approval certificate issued by virtue of this paragraph shall relate only to the requirement or requirements to which that type approval certificate relates;
- (c) where a certificate of conformity issued in respect of a motor vehicle relates to one or more, but not all, of the relevant type approval requirements, the Department may issue in respect of that vehicle a Department's approval certificate relating to one or more of the other relevant type approval requirements.

(3) The Department may by notice in writing given to the manufacturer or owner of a motor vehicle for which a Department's approval certificate is issued direct that any specified alteration in any of the relevant aspects of design, construction, equipment or marking to which the direction relates shall be notified to the Department.

(4) Without prejudice to Article 31D, the Department may by regulations require that a Department's approval certificate issued for any motor vehicle shall specify any additional alteration to that vehicle required by any direction under paragraph (3) to be notified to the Department.

(5) If it appears to the Department that there has been a breach of a condition subject to which a type approval certificate has been granted or if the Department ceases to be satisfied as to any other matter relevant to a type approval certificate, the Department may cancel or suspend the certificate and where it does so, the Department shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or

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suspension; but the cancellation or suspension shall not affect the validity of any certificate of conformity previously issued in consequence of the type approval certificate.

*Appeals*

**31C.**—(1) A person aggrieved by—

- (a) a determination made by the Department under Article 31A or 31B with respect to a type approval certificate, a certificate of conformity or a Department's approval certificate;
- (b) a determination made on an examination in pursuance of regulations under Article 31D(2) (a);

may within the prescribed time and in the prescribed manner appeal to the Department.

(2) On an appeal under paragraph (1) (a) the Department may—

- (a) hold an inquiry; and
- (b) appoint an assessor for the purpose of assisting the Department with the appeal or the inquiry.

*Regulations*

**31D.**—(1) The Department may make regulations for the purposes of Articles 31A to 31C.

(2) Regulations under paragraph (1) may include provisions—

- (a) for the examination of any motor vehicle in respect of which a Department's approval certificate is in force in the event of an alteration being made to the motor vehicle which is notifiable by virtue of a direction under Article 31B(3);
- (b) authorising the cancellation, suspension or amendment of a certificate of conformity or a Department's approval certificate on an examination in pursuance of regulations under sub-paragraph (a);
- (c) requiring the payment of fees or other charges in connection with the provision by the Department of services or facilities or the issue by it of certificates and other documents;
- (d) for the authorisation of persons to carry out examinations of motor vehicles in connection with the issue of type approval certificates, and for the imposition of conditions to be complied with by persons so authorised;
- (e) as to the form of, and particulars to be contained in, certificates of conformity and for the supply by the Department of forms for such certificates;
- (f) for the issue of duplicates of certificates of conformity and Department's approval certificates which have been lost or defaced and for the payment of a fee for their issue;

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(g) requiring persons empowered by Article 31A to issue certificates of conformity to keep records of such certificates issued by them and of the motor vehicles in respect of which such certificates are issued, and authorising the inspection of such records by such persons and in such circumstances as may be prescribed.

(3) Regulations under paragraph (1) may provide that where application is made for a licence under the Vehicles (Excise) Act (Northern Ireland) 1972 for a motor vehicle to which regulations made under Article 31E(1) apply, the licence shall not be granted unless—

(a) on the first application after the day appointed by regulations made under Article 31E(1) for a licence for the motor vehicle there is produced such evidence as may be prescribed that there is or are one or more certificates in force under either Article 31A or any corresponding enactment having effect in Great Britain from which it appears that the motor vehicle complies with all the relevant type approval requirements prescribed by those regulations;

(b) there is made such a declaration as may be prescribed that the motor vehicle is not intended to be used during the period for which the licence is to be in force except as exempted by regulations under Article 31E(4) (a); or

(c) there is produced in respect of the motor vehicle a certificate of temporary exemption issued by virtue of Article 31E(4) (b) which exempts the motor vehicle from the provisions of Article 31E(1) for a period which includes the date on which the licence is to come into force.

(4) The Department may make regulations—

(a) applying, with such adaptations and modifications as the Department thinks fit, all or any of the provisions of Articles 31A to 31C and of regulations under paragraph (1), so far as relating to type approval certificates and certificates of conformity, to motor vehicles manufactured in a country outside the United Kingdom;

(b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Part prescribed by the regulations as a type approval certificate or as a certificate of conformity;

(c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any certificate treated as described in sub-paragraph (b).

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*Offences, etc., relating to type approval*

**31E.**—(1) If any person at any time on or after the day appointed by regulations made by the Department uses or causes or permits to be used on a road a motor vehicle in relation to which type approval requirements prescribed by those regulations apply or a motor vehicle to which is fitted a vehicle part in relation to which type approval requirements prescribed by those regulations apply, and it does not appear from one or more certificates then in force under Article 31A or under any corresponding enactment having effect in Great Britain that the motor vehicle or vehicle part complies with those requirements, he shall be guilty of an offence under this Order.

(2) Any person who uses or causes or permits to be used on a road a motor vehicle when an alteration has been made to the motor vehicle or its equipment which is required by directions under Article 31B to be, but has not been, notified to the Department shall be guilty of an offence under this Order.

(3) A person shall not be convicted of an offence under paragraph (2) if he proves that the alteration was not specified in the relevant Department's approval certificate under Article 31B(4).

(4) The Department may by regulations—

- (a) exempt from paragraphs (1) and (2) the use of motor vehicles for prescribed purposes; and
- (b) make provision for the issue in respect of a motor vehicle or vehicle part in prescribed circumstances of a certificate of temporary exemption exempting that motor vehicle or vehicle part from paragraph (1) for such period as may be specified in the certificate.

(5) If any person at any time on or after the day appointed by regulations under paragraph (1) sells, supplies or offers to sell or supply or exposes for sale a motor vehicle or vehicle part in relation to which those regulations apply, and it does not appear from one or more certificates then in force under Article 31A or under any corresponding enactment having effect in Great Britain that the motor vehicle or vehicle part complies with the relevant type approval requirements prescribed by those regulations, he shall be guilty of an offence under this Order.

(6) A person shall not be convicted of an offence under paragraph (5) if he proves—

- (a) that the motor vehicle or vehicle part was sold, supplied, offered or exposed for sale, as the case may be, for export outside the United Kingdom; or

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(b) that he had reasonable cause to believe—

- (i) in the case of a motor vehicle, that the motor vehicle would not be used on a road in the United Kingdom or would not be so used until it had been certified as complying with the relevant type approval requirements, or
- (ii) in the case of a vehicle part, that the vehicle part would not be fitted to a motor vehicle used on a road in the United Kingdom or would not be so fitted until it had been certified as complying with relevant type approval requirements, or
- (iii) that the motor vehicle or vehicle part would be used only as exempted by regulations under paragraph (4) (a) or (b).

(7) Nothing in this Article shall affect the validity of any contract or any rights arising under a contract.”.

*Power of entry for inspection and testing*

4. In Article 32 of the principal Order (which empowers an authorised officer to enter sale rooms, etc., where used motor vehicles are sold in the course of a business), after paragraph (1) there shall be inserted the following paragraph—

“(1A) An authorised officer may at any reasonable hour enter premises where motor vehicles or vehicle parts prescribed for the purposes of Article 31A are sold, supplied, offered for sale or supply, exposed for sale or otherwise kept for sale or supply, in the course of a business, and examine any such motor vehicle or vehicle part for the purpose of ascertaining whether it complies with the type approval requirements applicable to it, and for the purpose of examining a motor vehicle may drive it.”.



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*Penalties*

5. In Schedule 4 to the principal Order (table of offences, etc.), after the entries relating to Article 31 there shall be inserted the following entries—

| Article of Order | General Nature of Offence   | Mode of Prosecution | Punishment                               |
|------------------|---|---------------------|--|
| 31E(1)           | Using, etc., motor vehicle or vehicle part without required certificate being in force showing that it complies with type approval requirements applicable to it.   | Summary             | A fine of level 4 on the standard scale. |
| 31E(2)           | Using, etc., motor vehicle with alteration required to be but not notified to Department under Article 31B.   | Summary             | A fine of level 3 on the standard scale. |
| 31E(5)           | Selling, etc., motor vehicle or vehicle part without required certificate being in force showing that it complies with type approval requirements applicable to it. | Summary             | A fine of level 5 on the standard scale. |

*G. I. de Deney,*  
Clerk of the Privy Council.

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EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order introduces a system of type approval for motor vehicles in Northern Ireland.

The Order empowers the Department of the Environment to make regulations prescribing requirements with respect to the design, construction, equipment and marking of motor vehicles. These requirements are applicable before, whether or not they are applicable after, the motor vehicles are used on a road. Motor vehicles which comply with these requirements may be issued with an appropriate certificate of compliance by the manufacturer or by the Department.

Offences created by the Order include the use on a road and the sale and supply of motor vehicles which do not have an appropriate certificate of compliance with the prescribed requirements.



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