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STATUTORY INSTRUMENTS

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**1995 No. 2994**

**The Road Traffic (Northern Ireland) Order 1995**

**Part III**

**Construction and Use of Vehicles and Equipment**

*Test of certain classes of goods vehicles*

**Tests of satisfactory condition of goods vehicles and determination of plated weights, etc.**

**65.**—(1) The Department may by regulations make provision for the examination of goods vehicles of any prescribed class—

- (a) for the purpose of selecting or otherwise determining plated weights or other plated particulars for goods vehicles of that class;
- (b) for the purpose of ascertaining whether any prescribed construction and use requirements (whether relating to plated particulars or not) are complied with in the case of goods vehicles of that class; or
- (c) for the purpose of ascertaining whether the condition of the vehicle is such that its use on a road or other public place would involve a danger or injury to any person,

or for any of those purposes.

(2) In particular the regulations may make provision—

- (a) for the determination, according to criteria or by methods prescribed by or determined under the regulations, of the plated particulars for a goods vehicle (including its plated weights), on an examination of the vehicle for the purpose, and for the issue on such an examination, except as provided by regulations made by virtue of sub-paragraph (c), of a certificate (in this Order referred to as a “plating certificate”) specifying those particulars;
- (b) for the use, for a goods vehicle which has been found on examination for the purpose to comply with the prescribed construction and use requirements and the requirement that the condition of the vehicle is not such that its use on a road or other public place would involve a danger of injury to any person, of a certificate (in this Order referred to as a “goods vehicle test certificate”) stating that the vehicle has been found so to comply; and
- (c) for the refusal of a goods vehicle test certificate for a goods vehicle which is so found not to comply with those requirements and for requiring a written notification to be given—
  - (i) of any such refusal, and
  - (ii) of the grounds of the refusal,

and for the refusal of a plating certificate where a goods vehicle test certificate is refused.

(3) References in paragraphs (1) and (2) to construction and use requirements shall be construed—

- (a) in relation to an examination of a vehicle solely for the purpose of ascertaining whether it complies with any such requirements, as references to such of those requirements as are applicable to the vehicle at the time of the test, and
  - (b) in relation to an examination of a vehicle both for that purpose and for the purpose of determining its plated particulars, as references to such of those requirements as will be applicable to the vehicle if a plating certificate is issued for it.
- (4) In this Part—
- “examination for plating” means an examination under regulations under this Article for the purpose of determining plated particulars for a goods vehicle, and
- “goods vehicle test” means an examination under regulations under this Article for the purpose of ascertaining whether any prescribed construction and use requirements or the requirement that the condition of the vehicle is not such that its use on a road or other public place would involve a danger or injury to any person are complied with in the case of a goods vehicle.
- (5) In this application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this Article shall have effect as if any reference to prescribed construction and use requirements included a reference to prescribed requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.

#### **Appeals against determinations**

- 66.**—(1) Any person aggrieved by a determination made on an examination under regulations under Article 65 by the person in charge of the examination may appeal to the Department.
- (2) On the appeal the Department must cause the vehicle to be re-examined by an officer appointed by it for the purpose and must make such determination on the basis of the re-examination as it thinks fit.
- (3) Regulations under Article 65 may make the like provision in relation to a determination on an appeal under this Article as they make in relation to a determination on an examination under the regulations.

#### **Particular aspects of regulations under Article 65**

- 67.**—(1) Without prejudice to the generality of paragraph (1) of Article 65, regulations under that Article may—
- (a) require or authorise goods vehicles to which the regulations apply to be submitted for examination under the regulations and, in particular—
    - (i) require any such vehicle to be submitted for a goods vehicle test at periodic intervals; and
    - (ii) require or authorise any such vehicle to be submitted for re-examination on the making of any prescribed alteration to it or its equipment and, for the purpose of determining whether any such re-examination is necessary, require any such alteration to be notified to the Department; and
    - (iii) require any such vehicle to be submitted for examination or re-examination for any purpose of plating or certification;
  - (b) authorise any examination under the regulations to be carried out by or under the direction of a vehicle examiner;
  - (c) prescribe the conditions subject to which vehicles will be accepted for such examination and, without prejudice to that—

- (i) authorise any person by whom an examination of the vehicle under the regulations or Article 66 is carried out to drive the vehicle, whether on a road or elsewhere; and
  - (ii) require that a driver of a vehicle examined under those regulations or that Article is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination and drives the vehicle when directed to do so, and operates the controls in accordance with any directions given to him, by that person;
- (d) require the plating certificate for any vehicle to which the regulations apply to specify any alteration to the vehicle or its equipment which is required by the regulations to be notified to the Department;
  - (e) authorise the amendment of a plating certificate or the issue of a different plating certificate on the re-examination of any vehicle;
  - (f) provide for the period of validity of goods vehicle test certificates;
  - (g) specify the manner in which, and the time before or within which, applications may be made for the examination of vehicles under the regulations or appeals may be brought under Article 66 and the information to be supplied and documents to be produced on any such application, examination or appeal;
  - (h) make provision as to the fees to be paid on any such application or appeal and as to the repayment of the whole or part of any fee paid on such an application or appeal where it appears to the Department that there were substantial grounds for contesting the whole or part of the determination appealed from or in such other circumstances as may be prescribed;
  - (i) make provision as to the form of, and particulars to be contained in, plating certificates and goods vehicle test certificates and notifications of the refusal of the latter certificates;
  - (j) make provision for the display of plating certificates or goods vehicle test certificates on prescribed goods vehicles;
  - (k) provide for the suspension or revocation of a plating certificate or a goods vehicle test certificate in such circumstances as may be prescribed;
  - (l) provide for the issue of replacements for plates marked with plated particulars, plating certificates and goods vehicle test certificates which have been lost or defaced and for the payment of a fee for their issue;
  - (m) exempt prescribed classes of vehicles from all or any of the provisions of the regulations either generally or in prescribed circumstances.
- (2) Regulations under Article 65 may provide that a person who contravenes a requirement of regulations imposed by virtue of paragraph (1)(c)(ii) is guilty of an offence.
- (3) In this Article any reference to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.

#### **Supplementary provision about tests, etc., of goods vehicles**

**68.** Without prejudice to any regulations made under Article 65 by virtue of Article 67(1)(c), the Department may give directions with respect to the manner in which examinations under regulations under Article 65 or under Article 66 are to be carried out.

#### **Obligatory goods vehicle test certificates**

**69.—(1)** If any person at any time on or after the relevant date—

- (a) uses on a road or other public place a goods vehicle of a class required by regulations under Article 65 to have been submitted for examination for plating; or
- (b) causes or permits to be used on a road or other public place a goods vehicle of such a class, and at that time there is no plating certificate in force for the vehicle, he is guilty of an offence.

In this paragraph “relevant date”, in relation to any goods vehicle, means the date by which it is required by the regulations to be submitted for examination for plating.

- (2) If any person at any time on or after the relevant date—

- (a) uses on a road or other public place a goods vehicle of a class required by regulations under Article 65 to have been submitted for a goods vehicle test; or
- (b) causes or permits to be used on a road or other public place a goods vehicle of such a class, and at that time there is no goods vehicle test certificate in force for the vehicle, he is guilty of an offence.

In this paragraph “relevant date”, in relation to any goods vehicle, means the date by which it is required by the regulations to be submitted for its first goods vehicle test.

- (3) Any person who—

- (a) uses a goods vehicle on a road or other public place; or
- (b) causes or permits a goods vehicle to be so used,

when an alteration has been made to the vehicle or its equipment which is required by regulations under Article 65 to be, but has not been, notified to the Department is guilty of an offence.

(4) In any proceedings for an offence under paragraph (3), it shall be a defence to prove that the alteration was not specified in the relevant plating certificate in accordance with regulations under Article 65.

- (5) The Department may by regulations—

- (a) exempt from all or any of the preceding provisions of this Article the use of goods vehicles for such purposes or in such an area as may be prescribed; and
- (b) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of paragraph (1) or (2) for such period as may be specified in the certificate.

#### **Using goods vehicle with unauthorised weights as well as authorised weights marked on it**

- 70.—(1) If there is fixed to a goods vehicle a plate containing plated weights of any description—

- (a) determined for that vehicle by virtue of Articles 65 to 68; or
- (b) specified in a certificate for that vehicle under Article 31A(3) or (4) of the Order of 1981,

the vehicle shall not, while it is used on a road or other public place, be marked with any other weights, except other plated weights, other weights required or authorised to be marked on the vehicle by regulations under Article 55 or weights so authorised for the purposes of this Article by regulations made by the Department and marked in the prescribed manner.

- (2) In the event of a contravention of this Article the owner of the vehicle is guilty of an offence.

#### **Restriction on carrying passengers on goods vehicles**

71.—(1) Subject to paragraph (2), no passenger shall be carried on a goods vehicle except on permanently attached seats placed beside the driver’s seat.

- (2) Paragraph (1) does not apply to—

- (a) any passenger on a goods vehicle which is a dual-purpose vehicle within the meaning of Article 2(2) of the Order of 1981; or
  - (b) any authorised passenger on a goods vehicle which is not a dual-purpose vehicle.
- (3) A driver of a goods vehicle who allows or permits any passenger to be carried on the vehicle in contravention of paragraph (1), and any passenger so carried, is guilty of an offence.
- (4) For the purposes of paragraph (2)(b) the following are authorised passengers—
- (a) the owner of the vehicle;
  - (b) any person in the employment of the owner carried on the vehicle in connection with such employment and with the consent of the owner;
  - (c) any person (in this paragraph referred to as “the hirer”) who hires the vehicle for his exclusive use in connection with his trade or business;
  - (d) any person in the employment of the hirer carried on the vehicle in connection with such employment and with the consent of the hirer and the owner; and
  - (e) any other persons (not exceeding 2) carried on the vehicle, with the consent of the owner, for the purpose of work in connection with the load.