
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

Part III

Construction and Use of Vehicles and Equipment

Tests of vehicles other than goods vehicles to which Article 65 applies

Tests of satisfactory condition of vehicles

61.—(1) This Article applies to motor vehicles other than goods vehicles which are required by regulations under Article 65 to be submitted for a vehicle test under that Article and has effect for the purpose of ascertaining whether the following requirements are complied with namely—

- (a) the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment; and
- (b) the requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person.

(2) The Department may by regulations make provision—

- (a) for the examination of vehicles submitted for examination under this Article; and
- (b) for the issue, where it is found on such an examination that the requirements mentioned in paragraph (1) are complied with, of a certificate (in this Order referred to as a “test certificate”) that at the date of the examination the requirements were complied with in relation to the vehicle.

(3) Examinations for the purposes of this Article shall be carried out by—

- (a) persons, not being officers of the Department, authorised for those purposes by the Department (in this Article and Article 62 referred to as “authorised examiners”); or
- (b) vehicle examiners.

(4) Where a test certificate is refused, the examiner must issue a notification of the refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Department.

(5) On any such appeal the Department must cause a further examination to be made and either issue a test certificate or issue a notification of the refusal stating the grounds of the refusal.

(6) The Department may make regulations under this Article for the purpose of giving effect to this Article and for prescribing anything authorised by this Article and Article 62 to be prescribed.

(7) In its 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 statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment included a reference to the 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.

Particular aspects of regulations under Article 61

62. Regulations under Article 61 may, in particular, make provision as to—

- (a) the authorisation of examiners in accordance within paragraph (3)(a) of that Article, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations;
- (b) the manner in which, conditions under which and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;
- (c) the manner in which applications may be made for the examination of vehicles under Article 61, the manner in which and time within which appeals may be brought under paragraph (4) of that Article, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application, examination or appeal, and the repayment of the whole or part of the fee paid on such an application, or on such an appeal where it appears to the Department that there were substantial grounds for contesting the whole or part of the decision appealed against or in such other circumstances as may be prescribed;
- (d) the form of, and particulars to be contained in, test certificates and notifications of the refusal of test certificates, and the supply by the Department of forms for such certificates and notifications and the charges to be made for the supply of such forms;
- (e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue of such duplicates;
- (f) the issue of copies of test certificates and the fee to be paid for the issue of such copies;
- (g) the display of test certificates on prescribed vehicles;
- (h) the suspension or revocation of test certificates in such circumstances as may be prescribed;
- (i) the keeping by authorised examiners of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed;
- (j) the keeping of records by authorised examiners and the providing by them of returns and information to the Department.

Obligatory test certificates

63.—(1) A person who uses on a road or other public place at any time, or causes or permits to be so used, a motor vehicle to which this Article applies, and as respects which no test certificate has been issued within the appropriate period before that time, is guilty of an offence.

In this Article and Article 64, the “appropriate period” means a period of 12 months or such shorter period as may be prescribed.

(2) Subject to paragraphs (3) and (5), the motor vehicles to which this Article applies at any time are—

- (a) those first registered under the Vehicle Excise and Registration Act 1994⁽¹⁾ or any earlier corresponding legislation, not less than 5 years before that time; and
- (b) those which, having a date of manufacture not less than 5 years before that time, have been used on roads (whether in Northern Ireland or elsewhere) before being so registered,

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being, in either case, motor vehicles other than goods vehicles which are required by regulations under Article 65 to be submitted for a goods vehicle test.

- (3) As respects a vehicle being—
- (a) a motor vehicle used for the carriage of passengers and with more than 8 seats, excluding the driver's seat; or
 - (b) a taxi (within the meaning of Article 79A(8) of the Order of 1981) being a vehicle used to stand or ply for hire or carry passengers for hire; or
 - (c) an ambulance, that is to say, a motor vehicle which is constructed or adapted, and primarily used, for the carriage of persons to a place where they will receive, or from a place where they have received, medical or dental treatment, and which, by reason of design, marking or equipment is readily identifiable as a vehicle so constructed or adapted,

paragraph (2)(a) shall have effect as if for the period there mentioned there were substituted a period of one year.

- (4) For the purposes of paragraph (2)(b), there shall be disregarded—
- (a) the use of a vehicle before it is sold or supplied by retail, and
 - (b) the use of a vehicle to which a motor dealer has assigned a mark under section 24 of the Vehicle Excise and Registration Act 1994 before it is registered by the Secretary of State under section 21(2) of that Act.

(5) This Article does not apply to vehicles of such classes as may be prescribed.

(6) The Department may by regulations exempt from paragraph (1) the use of vehicles of such purposes as may be prescribed.

(7) The Department may by regulations exempt from paragraph (1) the use of vehicles in any such area as may be prescribed.

(8) For the purpose of this Article the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in that excepted case shall be taken to be the last day of the year during which the modifications are completed.

- (9) The Department may by order, made subject to affirmative resolution, direct—
- (a) that paragraph (2) shall have effect with the substitution, for 5 years (in both places), of such other period (not being more than 10 years) as may be specified in the order; and
 - (b) that Article 78(3) shall have effect with the substitution, for 5 years, of that other period.

Supplementary provisions about test certificates

64.—(1) For the purpose of spreading the work of issuing certificates in contemplation of a change in—

- (a) the length of the appropriate period; or
- (b) the length of the period specified in Article 63(2)(a) and (b),

(and whether for the purposes of that Article or Article 72), the order or, as the case may be, regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under the Vehicle Excise and Registration Act 1994(2) or any earlier corresponding legislation at different times.

(2) Where—

- (a) within the appropriate period after a test certificate is issued or treated for the purposes of Article 63 as issued; but
- (b) not earlier than one month before the end of that period,

a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purpose of that Article as if issued at the end of the appropriate period.

(3) Where the particulars contained in a test certificate in accordance with regulations made under Article 61 include a date of expiry falling later, but not more than one month later, than the end of the appropriate period after the date on which it is issued

- (a) the certificate shall be deemed to have been issued in respect of the same vehicle as an earlier test certificate; and
- (b) the date on which it was issued shall be deemed to have been a date falling within the last month of the appropriate period after the date on which that earlier certificate was issued or treated for the purposes of Article 63 as issued;

and any date of expiry contained in a test certificate shall be deemed to have been entered in accordance with regulations under Article 61 unless the contrary is proved.

(4) The Department may by regulations make provision for the issue, in such circumstances as may be prescribed, of a certificate of temporary exemption in respect of a public service vehicle adapted to carry more than 8 passengers, exempting that vehicle from the provisions of Article 63(1) for such period as may be specified in the certificate.

(5) In relation to any public service vehicle so adapted—

- (a) paragraphs (2) and (3) shall have effect as if for “one month”(in both places) there were substituted “2 month”; and
- (b) paragraph (3) shall have effect as if for “last month” there were substituted “last 2 months”.