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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**

*Preliminary*

**Interpretation of Part III**

**53.** In this Part—

“the Community Recording Equipment Regulation” means Council Regulation ([EEC No. 3821/85](#)) of 20th December 1985 on recording equipment in road transport, as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 1987(1) and the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) (Amendment) Regulations (Northern Ireland) 1988(2);

“construction and use requirements” means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under Article 55;

“examination for plating” has the meaning given in Article 65(4);

“goods vehicle test” has the meaning given in Article 65(4);

“goods vehicle test certificate” has the meaning given in Article 65(2)(b);

“plating certificate” has the meaning given in Article 65(2)(a);

“plated particulars” means such particulars as are required to be marked on a goods vehicle in pursuance of regulations under Article 55 by means of a plate;

“plated weights” means such weights as are required to be so marked.

“sold or supplied by retail” means sold or supplied otherwise than to a person acquiring solely for the purpose of release or of re-supply for a valuable consideration;

“tail lamp” means, in relation to a vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with regulations under Article 55;

“test certificate” has the meaning given in Article 61(2)(b);

“vehicle examiner” has the meaning given in Article 74;

“vehicle testing centre” has the meaning given in Article 73.

*Using vehicle in dangerous condition*

**Using vehicle in dangerous condition etc.**

**54.** A person is guilty of an offence if he uses, or causes or permits another to use, a motor vehicle or trailer on a road when—

- (a) the condition of the motor vehicle or trailer, or of its accessories or equipment; or
- (b) the purpose for which it is used; or
- (c) the number of passengers carried by it, or the manner in which they are carried; or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person.

*General regulation of construction, use, etc.*

**Regulation of construction, weight, equipment and use of vehicles**

**55.**—(1) The Department may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used.

Paragraphs (2) to (4) do not affect the generality of this paragraph.

(2) In particular, the regulations may make provision with respect to any of the following matters—

- (a) the width, height and length of motor vehicles and trailers and the load carried by them, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
- (b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit;
- (c) noise
- (d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area of the road by a motor vehicle or trailer of any class or by any part of or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;
- (e) the particulars to be marked on motor vehicles and trailers (by means of the fixing of plates or otherwise) and the circumstances in which they are to be marked;
- (f) the towing of or drawing of vehicles by motor vehicles;
- (g) the number and nature of brakes, and for securing that brakes, silencers and steering gear are efficient and kept in proper working order;
- (h) lighting equipment and reflectors;
- (i) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are (if the owner of the premises consents);
- (j) speed limiters;
- (k) the appliances to be fitted for—
  - (i) signalling the approach of a motor vehicle, or

- (ii) enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or
  - (iii) intimating any intended change of speed or direction of a motor vehicle,and the use of any such appliance, and for securing that any such appliance is efficient and kept in proper working order;
- (l) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations.
- (3) The Department may, as respects goods vehicles, make regulations under this Article—
  - (a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles;
  - (b) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under Article 65.
- (4) Regulations under this Article with respect to lighting equipment and reflectors
  - (a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations; and
  - (b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled.
- (5) Regulations under this Article with respect to speed limiters may include provision—
  - (a) as to the checking and sealing of speed limiters by persons authorised in accordance with the regulations and the making of charges by them;
  - (b) imposing or providing for the imposition of conditions to be complied with by authorised persons;
  - (c) as to the withdrawal of authorisations.
- (6) Different regulations may be made under this Article as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.

#### **Breach of requirement as to brakes, steering-gear or tyres**

**56.** A person who—

- (a) contravenes a construction and use requirement as to brakes, steering-gear or tyres; or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.

#### **Breach of requirement as to weight: goods and passenger vehicles**

**57.—(1)** A person who—

- (a) contravenes a construction and use requirement as to any description of weight applicable to—
  - (i) a goods vehicle; or
  - (ii) a motor vehicle or trailer adapted to carry more than eight passengers; or
- (b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used,

is guilty of an offence.

(2) In any proceedings for an offence under this Article in which there is alleged a contravention of a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—

- (a) that at the time when the vehicle was being used on the road
  - (i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or
  - (ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road, or
- (b) in a case where the limit of that weight was not exceeded by more than 5 per cent.—
  - (i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and
  - (ii) that since that time no person has made any addition to the load.

#### **Breach of other construction and use requirements**

**58.** A person who—

- (a) contravenes any construction or use requirement other than one within Article 56(a) or 57(1)(a); or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.

#### **Temporary exemption from application of regulations under Article 55**

**59.**—(1) Subject to paragraphs (2) to (4), where any regulations under Article 55 contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting from those provisions for such period, not being less than 5 years, as may be specified in the regulations any vehicle of that class registered under the Vehicle Excise and Registration Act 1994<sup>(3)</sup> before the expiration of one year from the making of the regulations.

(2) No such provision contained in regulations under Article 55 as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of paragraph (1) or of any other provision of the regulations, to be one relating to the construction of vehicles.

(3) Where regulations under Article 55 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Department is satisfied—

- (a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations; and
- (b) that no undue hardship or inconvenience will be caused by their application then to those vehicles,

then, if the regulations state that the Department is so satisfied, paragraph (1) shall not apply in relation to those provisions.

(4) Paragraph (1) shall not apply in relation to—

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(3) 1994 c. 22

- (a) regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight; or
- (b) regulations made by virtue of Article 55(3).

#### **Authorisation of use on roads of special vehicles not complying with regulations under Article 55**

**60.**—(1) The Department may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads

- (a) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials;
- (b) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom;
- (c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment;
- (d) of vehicles or trailers carrying loads of exceptional dimensions,

and Articles 54 to 58 shall not apply in relation to vehicles, trailers or types authorised in accordance with the order.

(2) The Department may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under Article 55 shall have effect in their application to such vehicles, trailers and types of vehicles and trailers as are mentioned in paragraph (1) subject to such modifications or exceptions as may be specified in the order.

(3) The Statutory Rules (Northern Ireland) Order 1979(4) shall not apply to an order made by the Department under this Article where the order applies only

- (a) to specified vehicles; or
- (b) to vehicles of specified persons,

and any such order may be varied or revoked by subsequent order of the Department.

#### *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

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(4) 1979 NI 12

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 of 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(5) 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,

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(6) 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”.



*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.

*Conditions for grant of excise licence*

**Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions**

72.—(1) The Department may by regulations provide that where—

- (a) application is made in Northern Ireland for a licence under the Vehicle Excise and Registration Act 1994(7) for a vehicle to which Article 63 applies and
- (b) in the case of an application relating to a vehicle to which that Article applies by virtue of paragraph (2)(b) of that Article, it appears from the application that the vehicle has been used on roads (whether in Northern Ireland or elsewhere) before the date of the application,

the licence shall not be granted unless one of the following conditions is satisfied.

(2) Those conditions are that—

- (a) there is produced such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) there is produced such a certificate or the Department is provided with a copy of it, or
- (b) there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under paragraph (6), or in an area prescribed under paragraph (7), of Article 63, or
- (c) in the case of an application relating to a vehicle to which Article 63 applies by virtue of paragraph (2)(b) of that Article, the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and the specified period from the date of manufacture has not expired.

(3) The Department may by regulations provide that where application is made in Northern Ireland for a licence under the Vehicle Excise and Registration Act 1994 for a goods vehicle to which Article 69(2) applies or for a vehicle of any class to which Article 31E(1) of the Order of 1981 applies, the licence shall not be granted unless the requirements of paragraph (4), paragraph (6) or paragraph (7) are satisfied.

(4) The requirements of this paragraph are that—

- (a) on any application, after the relevant date within the meaning of Article 69(2), for a licence for a vehicle to which Article 69(2) applies, there is produced evidence that an effective goods vehicle test certificate is in force for the vehicle,
- (b) on the first application, after the day appointed by regulations made by virtue of Article 31E(1) of the Order of 1981, for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under Article 31A of that Order from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations.

(5) In relation to any application referred to in paragraph (3) the requirement set out in paragraph (4)(b) shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity as effect with respect to the vehicle.

(6) The requirements of this paragraph are that there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose or in an area prescribed under sub-paragraph (a) of Article 69(5) of this Order or under Article 31E(4) of the Order of 1981.

(7) The requirements of this paragraph are that there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of sub-paragraph (b) of Article 69(5) of this

Order or sub-paragraph (b) of Article 31E(4) of the Order of 1981 which exempts that vehicle from the provisions of Article 69(2) of this Order or Article 31E(1) of the Order of 1981, as the case may be, for a period which includes the date on which the licence is to come into force.

(8) Regulations under paragraph (3) may be made so as to apply to such classes only of vehicles as may be specified in the regulations.

(9) For the purposes 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.

(10) In this Article—

“appropriate period” has the same meaning as in Article 63,

“effective goods vehicle test certificate” means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force,

“effective test certificate” means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date on which the licence is to come into force,

“specified period” means the period for the time being specified in Article 63(2)(a) and (b).

#### *Vehicle testing centres and vehicle examiners*

#### **Vehicle testing centres**

**73.** The Department may provide and maintain centres (in this Part referred to as “vehicle testing centres”) where examinations of vehicles may be carried out for the purposes of the Road Traffic Orders and may provide and maintain apparatus for carrying out such examinations.

#### **Appointment of examiners**

**74.—(1)** The Department shall appoint such examiners as it considers necessary for the purpose of carrying out the functions conferred on them by this Order, the Order of 1981 or Parts II to IV of the Transport Act (Northern Ireland) 1967<sup>(8)</sup> or any other statutory provision.

(2) An examiner appointed under this Article shall act under the general directions of the Department.

(3) In this Part “vehicle examiner” means an examiner appointed under this Article.

(4) Any reference in any statutory provision to an inspector of vehicles within the meaning of Article 2(2) of the Order of 1981, to an officer or person authorised for the purposes of any Article of Part IV of that Order, or to an inspector appointed under section 37 of the Transport Act (Northern Ireland) 1967<sup>(9)</sup> shall, so far as may be appropriate in consequence of the preceding provisions of this Article, be construed as a reference to an examiner appointed under this Article.

<sup>(8)</sup> 1967 c. 37 (N.I.)

<sup>(9)</sup> 1967 c. 37 (N.I.)

*Testing vehicles on roads*

**Testing of condition of vehicles on roads**

75.—(1) An authorised examiner may test a motor vehicle on a road or other public place for the purpose of—

- (a) ascertaining whether the following requirements, namely—
  - (i) the construction and use requirements, and
  - (ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person, are complied with as respects the vehicle;
- (b) bringing to the notice of the driver any failure to comply with those requirements.

(2) For the purpose of testing a vehicle the examiner—

- (a) may require the driver to comply with his reasonable instructions, and
- (b) may drive the vehicle.

(3) The following persons may act as authorised examiners for the purposes of this Article—

- (a) a constable authorised so to act by or on behalf of the Chief Constable;
- (b) a person appointed as an examiner under Article 74.

(4) A vehicle examiner must produce his authority to act as an authorised examiner for the purposes of this Article is required to do so.

(5) Where on testing a vehicle under paragraph (1), an authorised examiner is satisfied that one or more of the requirements mentioned in sub-paragraph (a) of that paragraph is not complied with, he may, whether or not proceedings are instituted for a breach of the requirements, serve on the owner of the vehicle a notice in writing requiring him to present the vehicle at a specified place within 14 days from service of the notice, or within such longer period as any authorised examiner may on the application of the owner of the vehicle specify in writing for further test.

(6) A notice under paragraph (5) shall specify—

- (a) in the case of the requirements mentioned in paragraph (1)(a)(i), which of these requirements is not complied with;
- (b) in the case of the requirement mentioned in paragraph (1)(a)(ii), the defects by reason of which that requirement is not complied with.

(7) On testing a vehicle under paragraph (5), an authorised examiner shall ascertain whether the requirements specified in the notice have been complied with, or as the case may be, the defects so specified have been remedied.

(8) The Department may prescribe a fee to be paid for a test under paragraph (5).

(9) Where it appears to any constable that, by reason of an accident having occurred owing to the presence of a vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out.

(10) If a person obstructs an authorised examiner acting under this Article, or fails to comply with a requirement of this Article, he is guilty of an offence.

(11) In this Article—

- (a) “test” includes “inspect”, as the case may require, and
- (b) references to a vehicle include references to a trailer drawn by it.

*Inspection of public passenger vehicles and goods vehicles***Inspection of public passenger vehicles and goods vehicles**

**76.**—(1) A vehicle examiner—

- (a) may at any time, on production if so required of his authority, inspect any vehicle to which this Article applies and for that purpose may stop and detain the vehicle during such time as its required for the inspection, and
- (b) may at any time which is reasonable having regard to the circumstances of the case enter premises on which he has reason to believe that such a vehicle is kept.

(2) The power conferred by paragraph (1) to inspect vehicles includes power to test it and to drive it for the purpose of testing it.

(3) A person who intentionally obstructs an examiner in the exercise of his powers under paragraph (1) is guilty of an offence.

(4) A vehicle examiner or member of the Royal Ulster Constabulary may at any time require any person in charge of a vehicle to which this Article applies and which is stationary on a road to proceed with the vehicle for the purpose of having it inspected under this Article to any place where an inspection can be suitably carried out (not being more than 10 miles from the place where the requirement is made).

(5) A person in charge of a vehicle who refuses or neglects to comply with a requirement made under paragraph (4) is guilty of an offence.

(6) This Article applies to—

- (a) goods vehicles,
- (b) public service vehicles, and
- (c) motor vehicles which are not public service vehicles but are adapted to carry more than 8 passengers;

but paragraph (1)(b) shall not apply in relation to vehicles within sub-paragraph (c) or in relation to vehicles used to carry passengers for hire or reward only under permits granted under section 10B of the Transport Act (Northern Ireland) 1967<sup>(10)</sup> (use of vehicles by educational and other bodies).

*Prohibition of unfit vehicles***Power to prohibit driving of unfit vehicles**

**77.**—(1) If on any inspection of a vehicle under Article 55, 61, 65, 75, 76 or 85 of this Order or under Article 31D of the Order of 1981 it appears to a vehicle examiner that owing to any defects in the vehicle or the condition of any load carried by that vehicle, it is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road or other public place—

- (a) absolutely, or
- (b) for one or more specified purposes, or
- (c) except for one or more specified purposes.

(2) If on any inspection of a vehicle under any of the enactments mentioned in paragraph (1) it appears to an authorised constable that owing to any defects in the vehicle driving it (or driving it for any particular purpose or purposes or for any except one or more particular purposes) would involve a danger of injury to any person, he may prohibit the driving of the vehicle on a road—

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<sup>(10)</sup> 1967 c. 37 (N.I.)



- (a) absolutely, or
  - (b) for one or more specified purposes, or
  - (c) except for one or more specified purposes.
- (3) A prohibition under this Article shall come into force as soon as the notice under paragraph (6) has been given if—
- (a) it is imposed by an authorised constable, or
  - (b) in the opinion of the vehicle examiner imposing it the defects in the vehicle in question are such that driving it, or driving it for any purpose within the prohibition, would involve a danger of injury to any person.
- (4) Except where paragraph (3) applies, a prohibition under this Article shall (unless previously removed under Article 81) come into force at such time not later than 10 days from the date of the inspection as seems appropriate to the vehicle examiner imposing the prohibition, having regard to all the circumstances.
- (5) A prohibition under this Article shall continue in force until it is removed under Article 81.
- (6) A person imposing a prohibition under this Article shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—
- (a) specifying the defects which occasioned the prohibition;
  - (b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and
  - (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (7) Where a notice has been given under paragraph (6), any vehicle examiner or authorised constable may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.
- (8) Where such a notice has been given, any vehicle examiner or authorised constable may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force.
- (9) In this Article “authorised constable” means a constable authorised to act for the purposes of this Article by or on behalf of the Chief Constable.

### **Prohibitions conditional on inspection etc.**

**78.**—(1) Where it appears to the person imposing a prohibition under Article 77 that the vehicle is adapted to carry more than 8 passengers, or is a public service vehicle not so adapted, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at a vehicle testing centre.

(2) Where it appears to that person that the vehicle is of a class to which regulations under Article 65 apply, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at a vehicle testing centre.

(3) Where it appears to that person that the vehicle is one to which Article 63 applies, or would apply if the vehicle had been registered under the Vehicle Excise and Registration Act 1994(11) more than 5 years earlier, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected, and a test certificate issued, under Article 61.

(4) In any other case, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected in accordance with regulations under Article 81 by a vehicle examiner or authorised constable (within the meaning of Article 77).

#### **Power to prohibit driving of overloaded vehicles**

**79.**—(1) Paragraphs (2) and (3) apply where a goods vehicle or a motor vehicle adapted to carry more than 8 passengers has been weighed in pursuance of a requirement imposed under Article 86 and it appears to—

- (a) a vehicle examiner, or
- (b) a constable authorised to act for the purposes of this paragraph by or on behalf of the Chief Constable,

that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded or would be exceeded if it were used on a road or other public place or that by reason of excessive overall weight or excessive axle weight on any axle driving the vehicle would involve a danger of injury to any person.

(2) The person to whom it so appears may, whether or not a notice is given under Article 77(6), give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road or other public place until—

- (a) that weight is reduced to that limit or, as the case may be, so that it is no longer excessive, and
- (b) official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.

(3) The person to whom it so appears may also by direction in writing require the person in charge of the vehicle to remove it (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with that direction.

(4) Official notification for the purposes of paragraph (2)—

- (a) must be in writing and be given by a vehicle examiner or a constable authorised as mentioned in paragraph (1), and
- (b) may be withheld until the vehicle has been weighed or reweighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.

(5) Nothing in this Article shall be construed as limiting the power of the Department to make regulations under Article 80(2).

#### **Unfit and overloaded vehicles: offences**

**80.**—(1) A person who—

- (a) drives a vehicle in contravention of a prohibition under Article 77 or 79, or
- (b) causes or permits a vehicle to be driven in contravention of such a prohibition, or
- (c) fails to comply within a reasonable time with a direction under Article 79(3),

is guilty of an offence.

(2) The Department may by regulations provide for exceptions from paragraph (1).

### **Removal of prohibitions**

**81.**—(1) Subject to the following provisions of this Article, a prohibition under Article 77 or 79 may be removed by any vehicle examiner or authorised constable if he is satisfied that the vehicle is fit for service.

(2) If the prohibition has been imposed with a direction under Article 78(1) or (2), the prohibition shall not be removed unless and until the vehicle has been inspected in accordance with the direction.

(3) If the prohibition has been imposed with a direction under Article 78(3), paragraph (1) shall not apply; but the prohibition shall be removed, by such person as may be prescribed, if (and only if) any prescribed requirements relating to the inspection of the vehicle and the issue and production of a test certificate have been complied with.

(4) If the prohibition has been imposed with a direction under Article 78(4), the prohibition shall not be removed unless and until any prescribed requirements relating to the inspection of the vehicle have been complied with.

(5) A person aggrieved by the refusal of a vehicle examiner or authorised constable to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Department.

(6) The Department may make such order on the appeal as it thinks fit.

(7) Where a vehicle examiner or authorised constable removes a prohibition, he must forthwith give notice of the removal to the owner of the vehicle.

(8) The Department may require the payment of fees, in accordance with prescribed scales and rates, for the inspection of a vehicle with a view to the removal of a prohibition; and—

(a) payment of fees may be required to be made in advance, and

(b) the Department must ensure that all the scales and rates prescribed for the purposes of this sub-paragraph are reasonably comparable with—

(i) in the case of goods vehicles, the fees charged by virtue of Article 67(1)(h) in respect of periodic examination, and

(ii) in the case of other vehicles, the fees charged by virtue of Article 62(c).

(9) The Department may make regulations for prescribing anything which may be prescribed under this Article and for regulating the procedure, and fees payable, on appeals to it under paragraph (5).

(10) In this Article “authorised constable” means a constable authorised to act for the purposes of this Article by or on behalf of the Chief Constable.

(11) Article 110(1) does not apply to an order made under paragraph (6).

### *Miscellaneous provisions about vehicles and vehicle parts*

### **Operator’s duty to inspect, and keep records of inspection of, goods vehicles**

**82.**—(1) The Department may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—

(a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the following requirements are complied with, namely—

(i) the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle,

(ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person, and

- (b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection,

and providing for the preservation of such records for a prescribed period not exceeding 15 months and their custody and production during that period.

(2) Regulations under this Article may—

- (a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed,
- (b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed.

(3) Any person who contravenes any provision of regulations under this Article is guilty of an offence.

(4) In this Article “the operator”, in relation to a goods vehicle, means the person to whom it belongs or the hirer of it under a hire purchase agreement; but, if he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person, it means a person of a class prescribed by regulations under this Article in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

### **Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy**

**83.**—(1) Subject to the provisions of this Article no person shall supply a motor vehicle or trailer in an unroadworthy condition.

(2) In this Article references to supply include—

- (a) sell,
- (b) offer to sell or supply, and
- (c) expose for sale.

(3) For the purpose of paragraph (1) a motor vehicle or trailer is in an unroadworthy condition if—

- (a) it is in such a condition that the use of it on a road in that condition would be unlawful by virtue of any provision made by regulations under Article 55 as respects—
  - (i) brakes, steering gear or tyres, or
  - (ii) the construction, weight or equipment of vehicles, or
- (b) it is in such a condition that its use on a road would involve a danger of injury to any person.

(4) Subject to the provisions of this Article no person shall alter a motor vehicle or trailer so as to render its condition such that the use of it on a road in that condition—

- (a) would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under Article 55; or
- (b) would involve a danger of injury to any person.

(5) A person who supplies or alters a motor vehicle or trailer in contravention of this Article, or causes or permits it to be so supplied or altered, is guilty of an offence.

(6) A person shall not be convicted of an offence under this Article in respect of the supply or alteration of a motor vehicle or trailer if he proves—

- (a) that it was supplied or altered, as the case may be, for export from Northern Ireland, or
- (b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Northern Ireland, or would not be so used until it had been put into a condition in which it might lawfully be so used.

(7) Sub-paragraph (b) of paragraph (6) shall not apply in relation to a person who, in the course of a trade or business—

- (a) exposes a vehicle or trailer for sale, unless he also proves that he took all reasonable steps to ensure that any prospective purchaser would be aware that its use in its current condition on a road in Northern Ireland would be unlawful, or
- (b) offers to sell a vehicle or trailer, unless he also proves that he took all reasonable steps to ensure that the person to whom the offer was made was aware of that fact.

(8) Nothing in the preceding provisions of this Article shall affect the validity of a contract or any rights arising under a contract.

### **Fitting and supply of defective or unsuitable vehicle parts**

**84.**—(1) If any person—

- (a) fits a vehicle part to a vehicle, or
- (b) causes or permits a vehicle part to be fitted to a vehicle,

in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, involve a danger of injury to any person or constitute a contravention of any of the construction and use requirements, he is guilty of an offence.

(2) A person shall not be convicted to an offence under paragraph (1) if he proves—

- (a) that the vehicle to which the part was fitted was to be exported from Northern Ireland, or
- (b) that he had reasonable cause to believe that that vehicle—
  - (i) would not be used on a road in Northern Ireland, or
  - (ii) that it would not be so used until it had been put into a condition in which its use on a road would not constitute a contravention of any of the construction and use requirements and would not involve a danger of injury to any person.

(3) If a person—

- (a) supplies a vehicle part or causes or permits a vehicle part to be supplied, and
- (b) has reasonable cause to believe that the part is to be fitted to a motor vehicle, or to a vehicle of a particular class, or to a particular vehicle,

he is guilty of an offence if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of any of the construction and use requirements or involve a danger of injury to any person.

(4) In this Article references to supply include—

- (a) sell, and
- (b) offer to sell or supply.

(5) A person shall not be convicted of an offence under paragraph (3) in respect of the supply of a vehicle part if he proves—

- (a) that the part was supplied for export from Northern Ireland, or
- (b) that he had reasonable cause to believe that—
  - (i) it would not fitted to a vehicle used on a road in Northern Ireland, or
  - (ii) it would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention

of any of the construction and use requirements or involve a danger of injury to any person.

(6) An authorised examiner may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted to vehicles or are supplied and test and inspect any vehicle or vehicle part found on those premises for the purpose of ascertaining whether—

- (a) a vehicle part has been fitted to the vehicle in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of any of the construction and use requirements or involve a danger of injury to any person, or
- (b) the vehicle part could not be supplied for fitting to a vehicle used on roads in Northern Ireland without the commission of an offence under paragraph (3).

(7) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(8) Any person who obstructs an authorised examiner acting under paragraph (6) or (7) is guilty of an offence.

(9) In paragraphs (6) to (8) “authorised examiner” means a person who may act as an authorised examiner for the purposes of Article 75; and any such person, other than a constable in uniform, shall produce his authority to act for the purpose of paragraphs (6) and (7) if required to do so.

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

#### **Testing condition of used vehicles at sale rooms, etc.**

**85.**—(1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are supplied in the course of a business and test and inspect any used motor vehicle or trailer found on the premises for the purpose of ascertaining whether it is in an unroadworthy condition for the purpose of Article 83(1).

(2) In this Article (except sub-paragraph (d)) references to supply include—

- (a) sell,
- (b) offer for sale or supply,
- (c) expose for sale, and
- (d) otherwise keep for sale or supply.

(3) An authorised examiner may at any reasonable hour enter premises where vehicles or vehicle parts of a class prescribed for the purposes of Article 31E of the Order of 1981 are supplied in the course of a business and test and inspect any such vehicle or vehicle part for the purpose of ascertaining whether the vehicle or vehicle part complies with the type approval requirements applicable to a vehicle or vehicle part of that class.

(4) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(5) A person who obstructs an authorised examiner acting under this Article is guilty of an offence.

(6) In this Article “authorised examiner” means a person who may act as an authorised examiner for the purposes of Article 75; and any such person, other than a constable in uniform, shall produce his authority to act for the purposes of that Article if required to do so.

(7) A motor vehicle or trailer shall be treated for the purposes of this Article as used if, but only if, it has previously been sold or supplied by retail.

### **Weighing of motor vehicles**

**86.**—(1) Subject to any regulations made by the Department, an authorised person may, on production of his authority, require the person in charge of a motor vehicle—

- (a) to allow the vehicle or any trailer drawn by it to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and
- (b) for that purpose, to proceed to a weighbridge or other machine for weighing vehicles.

(2) For the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under paragraph (1), an authorised person may require the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose.

(3) If a person in charge of a motor vehicle—

- (a) refuses or neglects to comply with any requirement under paragraph (1) or (2), or
- (b) obstructs an authorised person in the exercise of his functions under this Article,

he is guilty of an offence.

(4) An authorised person may not require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.

(5) Regulations under paragraph (1) may make provision with respect to—

- (a) the manner in which a vehicle or trailer is to be weighed or a weight is to be tested as mentioned in paragraph (1), and
- (b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Order or by or under any other enactment relating to motor vehicles or trailers.

(6) If—

- (a) at the time when the requirement is made the vehicle is more than 5 miles from the weighbridge or other machine, and
- (b) the weight is found to be within the limits authorised by law,

the Department must pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties or, in default of agreement, appointed by the Head of the Department.

(7) The Department may by regulations designate areas of Northern Ireland where paragraph (6) is to have effect, in such cases as may be specified in the regulations, with the substitution for 5 miles of a greater distance so specified.

(8) In this Article—

- (a) “road” includes any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations,
- (b) “authorised person” means a vehicle examiner authorised by the Department or a constable authorised by or on behalf of the Chief Constable,

and in this paragraph “harbour” and “harbour operations” have the meanings given to them by section 38(1) of the Harbours Act (Northern Ireland) 1970(12).

**Further provisions relating to weighing of motor vehicles**

**87.**—(1) Where a motor vehicle or trailer is weighed under Article 86, a certificate of weight must be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(2) A certificate in the prescribed form which—

- (a) purports to be signed by an authorised person (within the meaning of Article 86), and
- (b) states in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under Article 86(1),

shall be evidence of the matter so stated.

(3) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to weighbridge or other machine as mentioned in Article 86(1), and authorised person (within the meaning of that Article)—

- (a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or
- (b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to do any other thing in relation to a vehicle or its load or a trailer or its load,

neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.

*Cycles and horse-drawn vehicles***Regulation of brakes, bells etc., on cycles**

**88.**—(1) The Department may make regulations as to the use on roads or other public places of cycles, their construction and equipment and the conditions under which they may be so used.

(2) In particular, but without prejudice to the generality of paragraph (1), the regulations may make provision as to—

- (a) the number, nature and efficiency of brakes and their maintenance in proper working order,
- (b) the appliances to be fitted for signalling approach and their maintenance in proper working order, and
- (c) the testing and inspection, by persons authorised under the regulations, of any equipment prescribed under this Article and of lighting equipment and reflectors.

(3) Regulations under this Article as to the use on roads of cycles may prohibit the sale or supply, or the offer of a sale or supply, of a cycle for delivery in such a condition that the use of it on a road in that condition would be a contravention of the regulations, but no provision made by virtue of this paragraph shall affect the validity of any contract or any rights arising under a contract.

(4) If a person sells or supplies or offers to sell or supply a cycle in contravention of any prohibition imposed by regulations made by virtue of paragraph (3), he is guilty of an offence, unless he proves—

- (a) that it was sold, supplied or offered for export from Northern Ireland, or
- (b) that he had reasonable cause to believe that it would not be used on a road in Northern Ireland, or would not be so used until it had been put into a condition in which it might lawfully be so used.



### **Regulation of brakes on horse-drawn vehicles**

**89.**—(1) The Department may make regulations for regulating the number, nature and use of brakes, including skid pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class of such vehicles, when used on roads.

(2) Regulations under this Article may be made for securing that such brakes are efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere.

### *Miscellaneous*

### **Offences to do with reflectors and tail lamps**

**90.** A person who sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a vehicle in accordance with the provisions of this Order or of any regulations made under it, not being an appliance which complies with the construction and use requirements applicable to a class of vehicles for which the appliance is adapted, is guilty of an offence.

### **Appointment of officials**

**91.**—(1) Subject to the consent of the Department of Finance and Personnel as to number, the Department may appoint such officers and servants as it considers necessary for the operation of the provisions of Articles 76 to 81.

(2) There shall be paid to examiners appointed under Article 74 such remuneration or salaries and such allowances (if any) as the Department may, with the consent of the Department of Finance and Personnel, determine.