

VEHICLE TESTING (TEMPORARY EXEMPTIONS) (NORTHERN IRELAND) ORDER 2004

S.I. 2004 1990

EXPLANATORY MEMORANDUM

INTRODUCTION

1. The Vehicle Testing (Temporary Exemptions) (Northern Ireland) Order 2004 was made on 27 July 2004.
2. This Explanatory Memorandum has been prepared by the Department of the Environment (“the Department”) in order to assist the reader in understanding the Order. It does not form part of the Order.

BACKGROUND AND POLICY OBJECTIVES

3. It is an offence to use a motor car aged four years or more on a road without a current vehicle test certificate. It is also a requirement to produce a current vehicle test certificate when applying for a vehicle excise licence (motor tax). However, there is no provision in law for any alternative to the requirement for a vehicle test certificate when exceptional circumstances, such as a failure in the supply of essential services or other unexpected event such as a fire, an accident or the effects of industrial action, prevent such certificates from being issued. If testing facilities at the Driver & Vehicle Testing Agency in Northern Ireland were to be reduced or become completely unavailable, motorists would be forced either to keep their vehicles off the road or to risk prosecution by using their vehicles without current test certificates and vehicle excise licences.
4. The Order will provide for certificates of temporary exemption (CTE) to be issued in respect of certain motor vehicles. A CTE would temporarily exempt the vehicle from the requirement to hold a current vehicle test certificate and would be classed as an acceptable document for the purposes of applying for a vehicle excise licence.

CONSULTATION

5. Given that the proposed powers will be used only temporarily and in exceptional circumstances, wider consultation was not considered necessary.

OPTIONS CONSIDERED

6. The Department considered a number of other options, each of which had some merit, but they needed further analysis and would only be possible to implement in the longer term. The Department concluded that certificates of temporary exemption represented the only practicable option in the short term.

COMMENTARY ON ARTICLES

7. The Order contains 2 Articles. Article 1 is the introductory provision. Article 2 forms the main body of the Order and is described below.

*This Explanatory Memorandum refers to the Vehicle Testing
(Temporary Exemptions) (Northern Ireland) Order 20041990*

Article 2 (1) amends the Road Traffic (Northern Ireland) Order 1995 to confer the regulation making power in relation to Certificates of Temporary Exemption. It inserts a new Article 63(7A) into the Order of 1995 that will allow the Department to make regulations prescribing the circumstances for the issue of Certificates of Temporary Exemption in respect of vehicles.

Article 2 (2) amends Article 64 of the Order of 1995. It repeals Article 64(4) which is made redundant by the new Article 63(7A) and makes minor consequential amendments to Article 64(5).

Article 2 (3) amends Article 72 of the Order of 1995. It inserts a new sub-paragraph, Article 72(2)(bb), which will confer on the Department the power to make regulations to permit the use of a Certificate of Temporary Exemption for the purpose of obtaining a vehicle excise licence.

Article 2 (4) amends Article 180 of the Road Traffic (Northern Ireland) Order 1981. It inserts a new paragraph 9 into Article 180 that will provide a police constable the power to require the production of a Certificate of Temporary Exemption for a vehicle or a goods vehicle.

COMMENCEMENT

The Order will commence on the expiration of 7 days from the day on which the Order is made.