

1975 No. 138

ROAD TRAFFIC AND VEHICLES

Motor Vehicle Testing Regulations (Northern Ireland) 1975

Made 7th May 1975

Coming into operation 1st June 1975

The Department of the Environment for Northern Ireland in exercise of the powers conferred by sections 29A to 29D of the Road Traffic Act (Northern Ireland) 1970(a), and now vested in it(b), and of all other powers enabling it in that behalf, and with the approval of the Department of Finance in respect of the fees hereby prescribed, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Motor Vehicle Testing Regulations (Northern Ireland) 1975 and shall come into operation on 1st June 1975.

Interpretation

2. In these regulations—

“the Act” means the Road Traffic Act (Northern Ireland) 1970 as amended by the Road Traffic (Amendment) (Northern Ireland) Order 1973(c);

“certificate” means a vehicle test certificate;

“the Department” means the Department of the Environment for Northern Ireland;

“inspector of vehicles” means a person appointed by the Department as an inspector of vehicles;

“motor bicycle” means a two wheeled motor cycle, whether having a side-car attached thereto or not;

“notice of refusal” means a notice of refusal of a vehicle test certificate;

“registration mark” means the registration mark assigned to the vehicle on registration in pursuance of section 19 of the Vehicles (Excise) Act (Northern Ireland) 1972(d).

Application for a vehicle test certificate

3.—(1) A person who desires to obtain the grant of a certificate shall—

(a) apply to the Department on a form issued by the Department and shall furnish all relevant particulars and make any relevant declaration specified in such form; and

(b) submit his application at least one month before the date on which the certificate is to have effect.

(2) Each application for a certificate shall be accompanied by the appropriate fee as prescribed in regulation 8.

(a) 1970 c. 2 (N.I.)

(d) 1972 c. 10 (N.I.)

(b) S.R. & O. (N.I.) 1973 No. 504 (II, p. 2992)

(c) S.I. 1973/1229 (N.I. 17)

Testing of vehicles

4.—(1) On being notified in writing the applicant shall present the vehicle for testing in reasonably clean condition, together with the registration book, at such time and place specified in the notice.

(2) Where after testing the vehicle the Department is satisfied that it complies in all respects with regulations made under Part III of the Act with respect to the construction and condition of motor vehicles, their accessories and equipment, it shall issue a certificate.

(3) Where the Department is not satisfied under paragraph (2) it shall issue a notice of refusal.

Certificate and notice of refusal

5. The certificate and notice of refusal shall be in Form 1 and Form 2 respectively specified in Schedule 1.

Duplicate certificate

6.—(1) If the owner of a vehicle satisfies the Department that the certificate has been lost or accidentally defaced or destroyed, the Department shall issue to him in respect of that vehicle a duplicate certificate on payment of a fee of 25 new pence.

(2) If at any time after the issue of a duplicate certificate the original certificate is found, the owner of the vehicle shall take all reasonable steps to obtain possession of such original and shall return it to the nearest inspector of vehicles or to any police station.

Appeal on refusal of a certificate

7.—(1) An appeal under section 29A(4) of the Act shall be made in writing on a form issued by the Department and shall be sent together with the appropriate fee prescribed in regulation 9 to the Department within 14 days from the date of the notice of refusal.

(2) On being notified in writing the appellant shall submit the vehicle for further test in reasonably clean condition at such time and place specified in the notice.

(3) The person submitting the vehicle for such test shall, if requested by the officer appointed by the Department to carry out the test—

(a) produce to him the notice of refusal and the registration book relating to the vehicle, and

(b) give such information as may reasonably be required in relation to any alteration made or repairs carried out, or any accident or other event occurring, since the date of the said notice, which may have affected the vehicle or its equipment or accessories,

and the officer shall not be required to carry out the test unless the said notice and registration book are produced and such information as aforesaid is given.

(4) Upon completion of the further test the officer shall either issue a certificate or notice of refusal stating the grounds thereof.

Fees

8. The fees payable for tests shall be as follows:

(a) for a motor bicycle a fee of £2.

- (b) for any other motor vehicle a fee of £3.50,
- (c) where following a refusal of a certificate the vehicle is presented for re-test within 28 days from the said notice of refusal—
 - (i) for a motor bicycle a fee of £1,
 - (ii) for any other motor vehicle a fee of £2.

Fees on appeals

9.—(1) The fees payable on appeals shall be as follows:

- (a) for a motor bicycle a fee of £2,
- (b) for any other motor vehicle a fee of £3.50.

(2) After the completion of the test for the purpose of the appeal the Department may repay to the appellant, as it thinks fit, either the whole or a part of the fee paid on the appeal, where it appears there were substantial grounds for contesting the whole or part of the decision appealed against.

Fees for examinations under sections 29C and 29D

10. The fee payable for an examination under section 29C(2) or 29D(3) shall be £2 for a motor bicycle and £3.50 for any other motor vehicle.

Removal of vehicles submitted for test

11. A person submitting a vehicle for test or examination shall cause it to be removed from the place of testing before the end of the day on which the test or examination was completed.

Exemptions

12. The following vehicles shall be exempt from section 29B(1) of the Act:

- (1) Heavy locomotives, light locomotives and motor tractors.
- (2) Pedestrian controlled vehicles.
- (3) Invalid carriages.
- (4) A vehicle in respect of which a current test certificate issued under section 43 of the Road Traffic Act 1972(e) is in force.
- (5) Vehicles exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972.
- (6) Vehicles provided for police, fire brigade or ambulance purposes.
- (7) Vehicles owned by or in the service of the naval, military or air forces of Her Majesty.
- (8) Vehicles in the service of a visiting force or of a headquarters.
- (9) Vehicles proceeding to a port for export.
- (10) Vehicles temporarily in Northern Ireland for a period of less than twelve months.
- (11) Vehicles used for the following purposes:
 - (a)(i) For the purpose of submitting it by previous arrangement for, or bringing it away from or in the course of a test, or
 - (ii) where a certificate is refused on a test—
 - (A) for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy for a further test the defects on the ground of which the certificate was refused, or

- (B) for the purpose of delivering it, by towing it, to a place where the vehicle is to be broken up.
- (b) The use of a vehicle, which has been detained or seized by a police constable, for police purposes connected with such detention or seizure.
- (c) The use for Customs purposes by an Officer of Customs and Excise or by any other person authorised generally or specially in that behalf in writing by the Commissioners of Customs and Excise, of any vehicle removed, detained, seized or condemned as forfeited under any provision of the Customs and Excise Act 1952(f).
- (d) The use of a vehicle for the purpose of testing it by a motor trader as defined in section 16(10) of the Vehicles (Excise) Act (Northern Ireland) 1972, to whom a trade licence has been issued under that section, during the course of, or after completion of repairs carried out to that vehicle by that motor trader.
- (e) The use of a vehicle for the purpose of removing it in pursuance of section 94 or 147 of the Act or section 5 of the Motor Vehicles and Refuse (Disposal) Act (Northern Ireland) 1969(g).
- (f) The use of a goods vehicle for the purposes of funerals.
- (g) The use by a district council of a vehicle for the purpose of road cleansing, road watering or the collection or disposal of refuse, night-soil or the contents of cesspools.
- (h) The use of a vehicle constructed or adapted for and used solely for the purpose of spreading material on roads to deal with frost, ice or snow.

(12) Vehicles used only on Rathlin Island.

Production of certificate

13.—(1) Where an application is made for a licence under the Vehicles (Excise) Act (Northern Ireland) 1972 for a motor vehicle to which section 29B(2)(a) of the Act applies, the licence shall not be granted except after either—

- (a) the production of an effective certificate; or
 (b) the making of such a declaration as is specified in Schedule 2 by the person making the application.

(2) Where an application is made for a licence under the Vehicles (Excise) Act (Northern Ireland) 1972 for a motor vehicle to which section 29B(2)(b) of the Act applies, the licence shall not be granted unless—

- (a) there is produced an effective certificate; or
 (b) the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and a period of ten years from the date of manufacture has not expired; or
 (c) the person making the application makes such a declaration as is specified in Schedule 2.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 7th May 1975.

(L.S.)

B. D. Palmer

Assistant Secretary

The Department of Finance hereby approves of Regulations 8, 9 and 10.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 7th May 1975.

(L.S.)

David Clement

Assistant Secretary

SCHEDULE 1

Regulation 5

FORM 1

(Vehicle test certificate)

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND

Vehicle test certificate

No.

The motor vehicle of which the registration mark is having been tested under section 29A of the Road Traffic Act (Northern Ireland) 1970, it is hereby certified that at the date of the test the statutory requirement relating to the construction and condition of motor vehicles, their accessories and equipment were complied with in relation to the vehicle.

Date of issue Signature (Inspector of vehicles)

Date of expiry Inspection Centre

Make HP/CC

FORM 2

(Notice of refusal)

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND

Notification of refusal of a vehicle test certificate

No.

The motor vehicle of which the registration mark is having been tested under section 29A of the Road Traffic Act (Northern Ireland) 1970, it is hereby notified that a certificate in respect of the vehicle is refused on the grounds that at the date of the examination the statutory requirements relating to the construction and condition of motor vehicles, their accessories and equipment were not complied with as respects the following items and for the following reasons:

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Date of issue Signature (Inspector of vehicles)

Make Inspection Centre

HP/CC

SCHEDULE 2

Regulation 13

Form of Declaration

I declare that the vehicle, of which the registration mark is and for which I have made application for a licence for the period commencing and ending 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 in regulation 12 of the Motor Vehicle Testing Regulations (Northern Ireland) 1975.

Name (in full) Usual signature

Address Date

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EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations make provision for the testing of cars and motor cycles for the purpose of ascertaining whether they comply with the requirements of the regulations relating to the construction and use of motor vehicles. The main provisions are:

- 1. An application should be made at least one month before the certificate is required and be accompanied by the appropriate fee (regulations 3 and 8).
2. The vehicle should be presented for testing in a roadworthy and reasonably clean condition (regulation 4).
3. If a certificate is refused an appeal may be lodged within 14 days together with the appropriate fee and a further test will be carried out (regulations 7 and 9).
4. A vehicle must be removed from a test centre before the end of the day on which the test is completed (regulation 11).
5. Vehicles exempted from the test are listed in regulation 12.
6. A test certificate must be produced on application for a vehicle excise licence (regulation 13).