

1980 No. 323

ROAD TRAFFIC AND VEHICLES

Motor Vehicle Testing (Amendment) Regulations
(Northern Ireland) 1980

Made 29th September 1980

Coming into operation 3rd November 1980

The Department of the Environment in exercise of the powers conferred by sections 29A, 29C, 29D and 189 of the Road Traffic Act (Northern Ireland) 1970(a) and now vested in it(b) and of every other power enabling it in that behalf, and with the approval of the Department(c) of Finance as regards regulation 2, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 3rd November 1980.

Regulations amended

2. The Motor Vehicle Testing Regulations (Northern Ireland) 1975(d) shall be amended as follows:

(1) For regulation 4 there shall be substituted—

“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 the time and place specified in the notice.

(2) For the purposes of section 8(2)(b) of the Act (which subsection as applied by section 29A(2A) of the Act specifies circumstances in which a fee paid on application for an appointment for a test may be repaid) notice cancelling an appointment for a test shall be given to the Department, at the centre at which the test is to be carried out, not less than 3 clear working days before the date of the appointment.

(3) 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.

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

(5) Where a certificate is refused and the defects mentioned in the notice are remedied an applicant may make a further application for a certificate on a form issued by the Department and the Department shall carry out a re-test of the vehicle.

(6) The fee payable for such a re-test shall be the relevant amount prescribed by regulation 8(a) or (b).

(a) 1970 c. 2 (N.I.) as amended by S.I. 1973/1229 (N.I. 17) Article 4 and S.I. 1978/1051 (N.I. 21) Article 14 and Schedule 2

(b) S.R. & O. (N.I.) 1973 No. 504 Art. 5(b) (II, p. 2992)

(c) Formerly Ministry: See 1973 c. 36 Schedule 5, paragraph 8(1)

(d) S.R. 1975 No. 138 (I, p. 849) as amended by S.R. 1979 No. 321 (II, p. 1447)

(7) Where however an application is made under paragraph (5) within 21 days from the date of service of the notice and the vehicle is presented for re-test within 28 days from such service on a date and at a time appointed by the Department, the fee payable shall be the relevant amount prescribed by regulation 8(c).

(8) For the purposes of paragraph (2) "working day" means a day on which the centre where the test is to be carried out is open to the public."

(2) In paragraph (1) of regulation 6 for "50p" there shall be substituted "£1.00";

(3) For regulation 8 there shall be substituted—

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

(a) for a motor bicycle a fee of £4.00;

(b) for any other motor vehicle a fee of £6.70;

(c) where a vehicle is presented for re-test in the circumstances described in regulation 4(7)—

(i) for a motor bicycle a fee of £2.00,

(ii) for any other motor vehicle a fee of £3.35.";

(4) For regulation 9 there shall be substituted—

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

(a) for a motor bicycle a fee of £4.00,

(b) for any other motor vehicle a fee of £6.70.

(2) After the completion of the test for the purpose of the appeal the Department shall repay to the appellant the whole or a part of the fee paid on the appeal where it appears to the Department that there were substantial grounds for contesting the whole or part of the decision appealed against.";

(5) For regulation 10 there shall be substituted—

"10. The fee payable for an examination under section 29C(2) or 29D(3) of the Act shall be £4.00 for a motor bicycle and £6.70 for any other motor vehicle."

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 29th September 1980.

(L.S.)

E. A. Simpson

Assistant Secretary

The Department of Finance hereby approves of regulation 2.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 29th September 1980.

(L.S.)

R. McMurray

Assistant Secretary

EXPLANATORY NOTE

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

These Regulations further amend the Motor Vehicle Testing Regulations (Northern Ireland) 1975 as follows:—

1. The fee paid for a test may be refunded providing the applicant gives the Department at least 3 clear working days notice of the cancellation of his appointment for the test.
2. New provisions are made for the re-testing of a vehicle where a certificate has been refused. Where an application is made within 21 days and the vehicle presented for re-test within 28 days from the date of service of a refusal notice a reduced fee is payable. (A reduced fee is already provided for in regulation 8(c) of the 1975 Regulations). The full fee for a test is payable where an application is made outside the 21 days or a vehicle re-tested more than 28 days from the date of service of the refusal notice.
3. The fee payable for a duplicate certificate is increased from 50p to £1.00.
4. The fees payable for tests are increased as follows:—
 - (a) for a motor bicycle from £2.70 to £4.00;
 - (b) for any other motor vehicle from £4.50 to £6.70;
 - (c) where an application is made within 21 days from a notice of refusal, for re-testing a vehicle within 28 days of the notice—
 - (i) a motor bicycle from £1.35 to £2.00,
 - (ii) any other motor vehicle from £2.25 to £3.35.
5. The fees payable on appeals are increased as follows:—
 - (a) for a motor bicycle from £2.70 to £4.00;
 - (b) for any other motor vehicle from £4.50 to £6.70.
6. The fees payable for examinations under section 29C(2) (where vehicle has previously failed a roadside examination) or 29D(3) (where driving of a defective vehicle on a road has been prohibited) of the Road Traffic Act (Northern Ireland) 1970 are increased as follows:—
 - (a) for a motor bicycle from £2.70 to £4.00;
 - (b) for any other motor vehicle from £4.50 to £6.70.