

1982 No. 46

**ROAD TRAFFIC AND VEHICLES**  
**Goods Vehicles (Certification) Regulations**  
**(Northern Ireland) 1982**

*Made* . . . . . 19th February 1982

*Coming into operation* . . . . . 29th March 1982

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

	<i>Regulation</i>
Citation and commencement	1.
Revocation	2.
Interpretation	3.

PART II

APPLICATIONS

Application for certificate	4.
Examination of vehicle and grant of certificate	5.
Refusal of certificate	6.
Re-examination of vehicle	7.
Fees	8.
Refunds	9.
Removal of vehicle presented for examination	10.
Duplicate certificate	11.

PART III

CERTIFICATES

Certificate	12.
Conditions of certificate	13.
Alteration of certificate and similar offences	14.
Transfer of certificate	15.
Change of address of owner	16.
Revocation or suspension of certificate	17.
Markings on vehicles	18.

PART IV

EXEMPTIONS

Exemptions from the requirement to have a goods vehicle certificate	19.
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## SCHEDULES

	<i>Page</i>
1. Regulations revoked	9.
2. Form of goods vehicle certificate	9.

The Department of the Environment in exercise of the powers conferred on it by Articles 53(3), 54, 58, 80 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, and with the approval of the Department of Finance as regards regulations 8 and 11(1), hereby makes the following Regulations:

## PART I

## PRELIMINARY

*Citation and commencement*

1. These Regulations may be cited as the Goods Vehicles (Certification) Regulations (Northern Ireland) 1982 and shall come into operation on 29th March 1982.

*Revocation*

2. The Regulations specified in Schedule 1 are hereby revoked.

*Interpretation*

3. In these Regulations—

“agricultural trailer”, “land implement”, “land locomotive”, “land tractor” and “pedestrian controlled vehicle” have the meanings respectively assigned to these expressions in regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(b);

“centre” means a vehicle inspection centre of the Department used by an inspector of vehicles for the examination of vehicles;

“certificate” means a goods vehicle certificate granted under Article 54 of the Order;

“exceptional circumstances” means an accident, a fire, an epidemic, severe weather, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor);

“the Order” means the Road Traffic (Northern Ireland) Order 1981;

“owner” means the person to whom a certificate is granted or transferred by the Department;

“unladen weight” means the weight of the vehicle unladen as specified in Schedule 7 of the Vehicles (Excise) Act (Northern Ireland) 1972(c);

“working day” means a day on which the centre where the examination is to be held is open to the public.

(a) S.I. 1981/154 (N.I. 1).

(b) S.R. 1976 No. 320.

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

## PART II

## APPLICATIONS

*Application for certificate*

4.—(1) An application for a certificate shall be made to the Department, on a form issued by the Department, at least one month before the date on which the certificate is to have effect.

(2) The applicant shall furnish all relevant particulars and make any relevant declaration specified in such form.

(3) Each application for a certificate shall be accompanied by the appropriate fee as prescribed in Part I of the Table to regulation 8.

(4) Where an application is made by—

(a) a body corporate with its principal or registered office outside Northern Ireland; or

(b) a person residing outside Northern Ireland,

the applicant shall satisfy the conditions specified in paragraph (5).

(5) The conditions mentioned in paragraph (4) are that the applicant shall—

(a) have and retain during the currency of the certificate a place of business in Northern Ireland;

(b) undertake to accept service, at such place, of any summons or other document relating to any matter or offence arising in Northern Ireland in connection with the vehicle for which the certificate is applied for;

(c) undertake to appear at any court as required by such summons or other document; and

(d) admit and submit to the jurisdiction of the court relative to the subject matter of such summons or other document.

(6) Any non-performance of an undertaking required under paragraph (5) shall operate as an immediate revocation of a certificate.

*Examination of vehicle and grant of certificate*

5.—(1) On being notified in writing by the Department the applicant shall present the vehicle for examination in reasonably clean condition, together with the registration book and previous certificate, if any, at the time and centre specified in the notice.

(2) Where after examining the vehicle the Department is satisfied that it complies in all respects with regulations made under the Order or under any enactment repealed by the Order with respect to the construction, use, lighting and rear marking of vehicles, it shall grant a certificate.

*Refusal of certificate*

6.—(1) Where the Department is not satisfied under regulation 5(2) it shall serve written notice on the applicant stating the reasons for refusal to grant a certificate.

(2) The Department shall refuse to grant a certificate where such refusal is required by or is necessary to give effect to a disqualification ordered under section 18(1) of the Transport Act (Northern Ireland) 1967(a).

*Re-examination of vehicle*

7.—(1) Where a certificate is refused under regulation 6(1) and the defects mentioned in the notice are remedied an applicant may make a further application for

(a) 1967 c. 37 (N.I.) as amended by S.I. 1981/154 (N.I. 1) Art. 220(1) and Sch. 7 para. 6

a certificate on a form issued by the Department and the Department shall carry out a further examination of the vehicle.

(2) The fee payable on such an application shall be the amount prescribed in Part I of the Table to regulation 8.

(3) Where, however, an application is made under paragraph (1) within 21 days from the date of service of the notice and the vehicle is presented for re-examination within 28 days from such service on a date and at a time appointed by the Department, the fee payable shall be the amount prescribed in Part II of the Table to regulation 8.

### Fees

8. The fee payable in pursuance of regulation 4(3) or 7(2) or (3) on an application for a certificate for a vehicle of a weight specified in column (1) of Part I or II of the following Table shall be the fee specified in relation to that weight in column (2).

TABLE  
PART I

**Fee payable on Application under Regulation 4(3) or 7(2)**

(1) <i>Weight of Vehicle</i>	(2) <i>Amount of Fee</i>
30 hundredweight unladen or under	£ 7.10
Over 30 hundredweight unladen	£16.50

PART II

**Fee payable on Application under Regulation 7(3)**

(1) <i>Weight of Vehicle</i>	(2) <i>Amount of Fee</i>
30 hundredweight unladen or under	£ 3.55
Over 30 hundredweight unladen	£ 8.00

### Refunds

9. The fees paid in pursuance of regulation 4(3) or 7(2) or (3) may be repaid—

- (a) if no appointment for an examination of the vehicle is made, or the appointment made is subsequently cancelled by the Department;
- (b) if the person for whom the appointment is made gives to the Department, at the centre where the examination is to be held, notice cancelling the appointment of not less than 3 clear working days before the date of the appointment;
- (c) if the person for whom the appointment is made keeps the appointment but the examination does not take place, or is not completed, for reasons attributable neither to him nor to the vehicle presented for examination; or

- (d) if the person for whom the appointment is made satisfies the Department that the vehicle cannot or, as the case may be, could not reasonably be presented for examination on the date of appointment due to exceptional circumstances occurring not more than 7 days before the said date and of which notice is given to the Department at the centre where the examination is or, as the case may be, was to be held within 3 days of the occurrence thereof.

*Removal of vehicle presented for examination*

**10.** A person presenting a vehicle for examination shall cause it to be removed from the centre before the end of the day on which the examination is completed.

*Duplicate certificate*

**11.**—(1) If the owner 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, so marked, on payment of a fee of £1.50.

(2) An application for a duplicate certificate shall be on a form issued by the Department.

(3) In the case of the loss of a certificate, if at any time after the issue of a duplicate certificate the original certificate is found, the owner shall take all reasonable steps to obtain possession of such original and shall return it to the nearest centre or to any police station.

PART III

CERTIFICATES

*Certificate*

**12.**—(1) A certificate granted under regulation 5(2) shall be in the form specified in Schedule 2.

(2) The certificate shall be attached to the vehicle in a securely fitted weather-proof holder and shall be carried on the vehicle at all times when the vehicle is on a road and shall be displayed—

- (a) in the case of any vehicle fitted with a front windscreen extending across the vehicle to its near side, on the near side of the windscreen so that all particulars on the certificate are clearly visible by daylight from in front of the vehicle; or
- (b) in all other cases, on the near side of the vehicle not less than 610 millimetres and not more than 1830 millimetres above the surface of the road so that all particulars on the certificate are clearly visible by daylight to a person standing at the near side of the vehicle.

*Conditions of certificate*

**13.** The owner—

- (a) shall not permit the vehicle to be used for any illegal purpose;
- (b) shall not deface or mutilate his certificate or permit the same to be done by any other person;
- (c) shall at all reasonable times for the purpose of inspection, examination or testing of the vehicle to which the certificate relates—
- (i) produce the vehicle at such time and place as may be specified by any inspector of vehicles, and
- (ii) afford to any inspector of vehicles full facilities for such inspection, examination or testing, including access to his premises for that purpose;

- (d) shall cause the vehicle and all its fittings to be maintained and kept in good order and repair, and shall take all practical means to ensure that all parts of the mechanism, including the brakes, are free from defects and in efficient working order; and
- (e) shall, if any alteration in design or construction of the vehicle has been made since the certificate was issued, immediately communicate full particulars of such alteration to the centre nearest to the place where the vehicle is ordinarily kept.

*Alteration of certificate and similar offences*

**14.**—(1) A person shall not—

- (a) either by writing, drawing or in any other manner, alter, deface, mutilate or add anything to any certificate;
- (b) display upon a vehicle any certificate which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible by fading or otherwise; or
- (c) display upon any vehicle any imitation of a certificate.

(2) Any certificate altered, defaced, mutilated or added to shall be void.

*Transfer of certificate*

**15.**—(1) The owner, on the sale or other change of ownership of a vehicle, shall forward the certificate granted in respect of such vehicle together with the name and address of the transferee to the nearest centre and the Department may transfer the certificate to the transferee.

(2) In the case of the death or any infirmity of mind or body of the owner during the currency of a certificate the Department, on application by any person, may transfer the certificate to such applicant.

(3) Any certificate transferred in accordance with paragraph (1) or (2) shall continue in force for as long as the original certificate would have continued in force.

(4) Save as provided by paragraph (1) or (2) a certificate shall not be assigned or transferred and any certificate otherwise assigned or transferred shall be void as from the date of such assignment or transfer.

*Change of address of owner*

**16.** If the owner during the currency of his certificate changes his address, he shall communicate forthwith particulars of such change to the nearest centre.

*Revocation or suspension of certificate*

**17.**—(1) A certificate shall be liable to revocation or suspension by the Department—

- (a) if the certificate has been obtained by any misrepresentation;
- (b) if the owner fails to comply with any of the conditions upon which the certificate issued to him has been granted;
- (c) if in the opinion of the Department the vehicle fails to conform to any regulations made under the Order or under any enactment repealed by the Order with respect to the construction, use, lighting and rear marking of vehicles; or
- (d) where such revocation or suspension is required by or is necessary to give effect to a disqualification ordered under section 18(1) of the Transport Act (Northern Ireland) 1967.

(2) In the event of a revocation or suspension by virtue of sub-paragraphs (a) to (c) of paragraph (1)—

- (a) the Department shall serve written notice on the owner of such revocation or suspension, and the certificate shall be deemed to be revoked or suspended as from the date of such service; and
  - (b) the owner shall within 7 days from the date of service of the notice deliver up the certificate to the place specified in the notice.
- (3) If, in the opinion of an inspector of vehicles, the defects found on inspection of a vehicle under regulation 13(c) are—
- (a) such as to render the vehicle unsuitable or dangerous for use on a road, the inspector shall—
    - (i) notify the driver of such defects,
    - (ii) remove the certificate, and
    - (iii) forthwith, by notice in writing served on the driver or the owner, suspend the certificate until such time as the defects have been remedied; or
  - (b) of a minor nature, the inspector shall—
    - (i) notify the driver or owner of such defects, and
    - (ii) require the owner to remedy them within 14 days and if such owner fails to comply with this requirement the certificate shall be liable to suspension or revocation in the manner prescribed by paragraph (2).

#### *Markings on vehicles*

18. The owner or driver of a vehicle in respect of which a certificate has been granted shall not use or cause or permit the vehicle to be used unless—

- (a) the name and address of the owner are printed in legible letters in a conspicuous position on the near side of the vehicle; and
- (b) in the case of a vehicle the unladen weight of which exceeds 1020 kilograms and which is constructed or adapted to carry a load, the unladen weight is painted or otherwise plainly marked upon some conspicuous part of the right or off-side of the vehicle.

Provided that in the case of an articulated vehicle the weights of the heavy motor car or motor car, as the case may be, and trailer which make up the unladen weight shall be marked accordingly on the respective vehicles.

### PART IV EXEMPTIONS

#### *Exemptions from the requirement to have a goods vehicle certificate*

19. Article 53 of the Order shall not apply to the use of—

- (a) a vehicle constructed or adapted for, and used solely for, spreading material on roads to deal with frost, ice or snow;
- (b) a land tractor, land locomotive or land implement;
- (c) an agricultural trailer drawn on any road only by a land tractor;
- (d) a vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972 and any trailer drawn by such a vehicle;
- (e) a motor vehicle for the time being licensed under the Vehicles (Excise) Act 1971(a);
- (f) a trailer brought into Northern Ireland and having a base outside Northern Ireland from which the use of a vehicle on a journey is normally commenced, a period of 12 months not having elapsed since the vehicle in question was last brought into Northern Ireland;

- (g) a pedestrian controlled vehicle;
- (h) a track laying vehicle;
- (i) a steam propelled vehicle; or
- (j) a vehicle during the period of 12 months from the date of its being registered for the first time under the Vehicles (Excise) Act (Northern Ireland) 1972 or the corresponding Great Britain legislation:

Provided that where a vehicle has been used on roads (whether in Northern Ireland or elsewhere) before being so registered, the said Article shall not apply to the use of the vehicle during the period of 12 months from the date of its manufacture rather than from the date of its being so registered.

For the purposes of this proviso—

- (i) there shall be disregarded the use of a vehicle—
  - (A) before it is sold or supplied by retail, or
  - (B) before it is registered by the Department under section 19(1)(b) of the Vehicles (Excise) Act (Northern Ireland) 1972 (registration when Department receives from a motor dealer particulars of a vehicle to which the dealer has assigned a mark under section 20 of that Act) and after a mark is so assigned to it;
- (ii) 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 the said excepted case shall be taken to be the last day of the year during which the modifications are completed; and
- (iii) “sold or supplied by retail” means first sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 19th February 1982.

(L.S.)

*J. M. Irvine*

Assistant Secretary

The Department of Finance hereby approves of regulations 8 and 11(1).

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 19th February 1982.

(L.S.)

*J. M. Dowdall*

Assistant Secretary



SCHEDULE 1

(See regulation 2)

**Regulations revoked**

<i>Title</i>	<i>Year and Number</i>
The Goods Vehicles (Certification) Regulations (Northern Ireland) 1966	S.R. & O. (N.I.) 1966 No. 65
The Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 98
The Goods Vehicles (Certification) (Amendment) (No. 2) Regulations (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 128
The Goods Vehicles (Certification) (Amendment) (No. 3) Regulations (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 267
The Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 144
The Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1976	S.R. 1976 No. 104
The Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1979	S.R. 1979 No. 381
The Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1980	S.R. 1980 No. 51
The Goods Vehicles (Certification) (Amendment) (No. 2) Regulations (Northern Ireland) 1980	S.R. 1980 No. 321

SCHEDULE 2

(See regulation 12(1))

**FORM OF GOODS VEHICLE CERTIFICATE**

Road Traffic (Northern Ireland) Order 1981

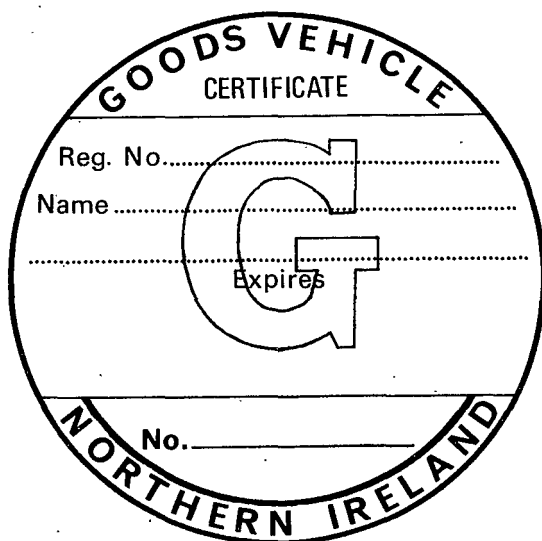
**Goods Vehicle Certificate No.:**

Name ..... Expires .....

of .....

Owner ..... Date of Issue .....

Registration No. .... Issued by .....



ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

This certificate is granted subject to the provisions of the above-mentioned Order and of any Regulations from time to time made thereunder, and shall remain in force till the date hereof unless revoked or suspended before the expiration of that period. This certificate may be revoked or suspended if the owner fails to comply with any of the conditions upon which it has been granted, set out overleaf.

Any person who forges, or fraudulently alters or uses, or fraudulently lends to or allows to be used by any other person, any mark for identifying a vehicle, or any certificate shall be guilty of an offence under the above-mentioned Order and shall be liable on conviction on indictment to a fine or imprisonment for 2 years or both or on summary conviction to a fine of £1,000 or imprisonment for 6 months or both.

The person to whom a certificate is issued shall be responsible for the observance of the conditions under which the certificate is granted.

Any certificate altered, defaced, mutilated or added to shall be void.

Registration No. .... Expiry Date .....

**IMPORTANT:** At least one month before the expiration of the certificate, application should be made for a new one, the necessary form being obtainable at any centre or local vehicle licensing office of the Department.

(1) The owner shall at all reasonable times for the purpose of inspection, examination or testing of the vehicle to which this certificate relates—

- (a) produce the vehicle at such time and place as may be specified by any inspector of vehicles; and
- (b) afford to any inspector of vehicles full facilities for such inspection, examination or testing, including access to his premises for that purpose.

(2) The owner shall cause the vehicle and all its fittings to be maintained and kept in good order and repair, and shall take all practical means to ensure that all parts of the mechanism, including the brakes, are free from defects and in efficient working order.

(3) If any alteration in design or construction of the vehicle has been made since the certificate was issued, the owner shall immediately communicate full particulars of such alteration to the centre nearest to the place where the vehicle is ordinarily kept.

CHANGE OF ADDRESS

The owner shall notify every change in his address to the nearest centre.

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations consolidate with amendments the Goods Vehicles (Certification) Regulations (Northern Ireland) 1966 and the Regulations which amended them as specified in Schedule 1 to these Regulations.

Part II deals with applications for goods vehicle certificates, fees therefor, refunds of such fees and the examination of vehicles for the purpose of ascertaining whether they comply with certain requirements.

Part III deals with the display of the certificate, the conditions under which it is granted and the circumstances in which it may be revoked or suspended.

Part IV exempts certain vehicles from the requirement to have a certificate.

In addition to drafting amendments and the updating of some references the effect of the principal amendments is to—

- (a) require an application for a certificate to be made at least one month before the date on which the certificate is to have effect (Regulation 4(1));
- (b) require the applicant to present the vehicle for examination in reasonably clean condition together with the registration book and previous certificate, if any (Regulation 5(1));
- (c) specify the requirements with which the vehicle must comply for the granting of a certificate (Regulation 5(2));
- (d) increase the fees payable on applications for goods vehicle certificates as follows:—
  - (i) for vehicles not exceeding 30 cwt. unladen weight from £6.70 to £7.10,
  - (ii) for vehicles exceeding 30 cwt. unladen weight from £15.00 to £16.50,
  - (iii) where applications are made within 21 days from a notice of refusal, for re-examination within 28 days from refusal for vehicles not exceeding 30 cwt. unladen weight from £3.35 to £3.55, (the fee remains at £8.00 for vehicles exceeding 30 cwt. unladen weight) (Regulation 8);
- (e) require the vehicle to be removed from the vehicle inspection centre before the end of the day on which the examination is completed (Regulation 10);
- (f) provide, where there is a change in the ownership of a vehicle for which a certificate was granted, for the transfer of the certificate to the new owner for the remainder of the period it covers (Regulation 15);
- (g) exempt the following vehicles from the requirement to have a certificate (Regulation 19(g) to (i))—
  - (i) a pedestrian controlled vehicle,
  - (ii) a track laying vehicle, or
  - (iii) a steam propelled vehicle.

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1982. No. 47

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.