

1989 No. 234

ROAD TRAFFIC AND VEHICLES

**Motor Vehicle Testing Regulations
(Northern Ireland) 1989**

Made 23rd June 1989

Coming into operation 7th August 1989

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The Department of the Environment, in exercise of the powers conferred on it by Articles 33(2) and (6), 34(5) and (6), 35(3), 36(4), 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(b) as regards Schedule 1, makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicle Testing Regulations (Northern Ireland) 1989 and shall come into operation on 7th August 1989.

Interpretation

2. In these Regulations—

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

“certificate” means a vehicle test certificate;

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

“notification of refusal” means a written notice stating the grounds of refusal of a vehicle test certificate;

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

“registration mark” means the registration mark assigned to the vehicle on registration in pursuance of section 19(1) of the Vehicles (Excise) Act (Northern Ireland) 1972(c).

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

(b) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Art. 3

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

PART II

MOTOR VEHICLE TESTING

Application for test

3.—(1) A person who desires to obtain a certificate shall apply to the Department to have the vehicle tested.

(2) The application shall—

- (a) be made on a form issued by the Department and the applicant shall furnish all relevant particulars and make any relevant declaration specified in such form;
- (b) be submitted at least two months before the date on which the certificate is required to have effect; and
- (c) be accompanied by the relevant fee prescribed in paragraph 1 of Part I of Schedule 1.

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 the time and centre specified in the notice.

(2) The test shall include the items in Schedule 2 applicable to the vehicle being tested.

(3) If after testing the vehicle the Department is satisfied that it complies with the statutory requirements relating to the construction and condition of motor vehicles, their accessories and equipment, it shall issue a certificate.

(4) If an inspector who tested the vehicle is not satisfied that it complies with the requirements mentioned in paragraph (3) he shall serve a notification of refusal on the applicant.

Re-tests

5.—(1) Where the defects mentioned in a notification of refusal are remedied, the applicant may make a further application for a test on a form issued by the Department and the Department shall carry out a re-test of the vehicle.

(2) The fee payable on such further application shall be the relevant amount prescribed in paragraph 1 of Part I of Schedule 1.

(3) Where however an application is made under paragraph (1) within 21 days from the date of service of the notification and the vehicle is presented for re-test on a date and at a time appointed by the Department, the fee payable shall be the relevant amount prescribed in paragraph 2 of Part I of Schedule 1.

Notice of cancellation

6.—(1) For the purposes of Article 11(2)(b) of the Order (which sub-paragraph as applied by Article 33(3) of the Order 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 under regulation 4(1) or 5(1) 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.

(2) In paragraph (1) “working day” means a day on which the centre where the test is to be carried out is open to the public.

Certificate and notification of refusal

7. The certificate and notification of refusal shall be in Form 1 and Form 2 respectively as set out in Schedule 3.

Duplicate certificate

8. If the owner of a vehicle satisfies the Department that a certificate has been lost or accidentally defaced, the Department shall issue to him in respect of that vehicle a duplicate certificate on payment of a fee of—

- (a) £4.30 for a motor bicycle; and
- (b) £7.15 for any other motor vehicle.

PART III

APPEALS

Appeal on refusal of a certificate

9.—(1) An appeal under Article 33(5) of the Order shall be made in writing on a form issued by the Department and shall be sent, together with the relevant fee prescribed in Part II of Schedule 1, to the Department within fourteen days from the date of service of the notification of refusal.

(2) On being notified in writing, the appellant shall present the vehicle for a further test in reasonably clean condition at the time and centre specified in the notice.

(3) The person submitting the vehicle for such test shall—

- (a) produce the notification of refusal and the registration book relating to the vehicle; and
- (b) give such information as may reasonably be required in relation to alterations made or repairs carried out, or any accidents or other events occurring, since the date of the notification, which may have affected the vehicle or its equipment or accessories,

and the Department shall not be required to carry out the test unless the notification of refusal and registration book are produced and such information is given.

(4) Upon completion of the test, the Department shall issue or refuse to issue a certificate.

Repayment of fee on appeal

10. After 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.

PART IV

MISCELLANEOUS

Exemptions from requirement to have a certificate

11. Article 34(1) of the Order shall not apply to—

- (a) a heavy locomotive, light locomotive or motor tractor;
- (b) a pedestrian controlled vehicle;
- (c) an invalid carriage;
- (d) a vehicle in respect of which a test certificate under section 43 of the Road Traffic Act 1972(a) or section 45 of the Road Traffic Act 1988(b) is in force;
- (e) a vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972;
- (f) a vehicle provided for police or fire brigade purposes;
- (g) a vehicle owned by or in the service of the naval, military or air forces of Her Majesty;
- (h) a vehicle in the service of a visiting force or of a headquarters (within the meaning given by Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(c));
- (i) a vehicle proceeding to a port for export from the United Kingdom;
- (j) a vehicle temporarily in Northern Ireland displaying a registration mark described in regulation 2 of the Motor Vehicles (International Circulation) (Registration and Licensing) Regulations (Northern Ireland) 1963(d), a period of 12 months not having elapsed since the vehicle was last brought into Northern Ireland;
- (k) a vehicle authorised to be used on roads under Article 29(3) of the Order;
- (l) a goods vehicle used for the purposes of funerals;
- (m) a district council vehicle used for the purpose of road cleansing, road watering or the collection or disposal of night-soil or the contents of cesspools;
- (n) a vehicle constructed or adapted for and used solely for the purpose of spreading material on roads to deal with frost, ice or snow;
- (o) a vehicle which is in use only on Rathlin Island; and
- (p) a vehicle used for any of the following purposes—
 - (i) submitting it by previous arrangement for, or bringing it away from, a test;
 - (ii) carrying out any part of the test by an inspector of vehicles;

(a) 1972 c. 20

(b) 1988 c. 52

(c) S.I. 1965/1536

(d) S.R. & O. (N.I.) 1963 No. 79

- (iii) where a certificate is refused on a test—
 - (A) 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 for which the certificate was refused; or
 - (B) delivering it, by towing it, to a place where the vehicle is to be broken up;
- (iv) where a vehicle has been imported into Northern Ireland, driving it after arrival in Northern Ireland on the journey from the place where it has arrived in Northern Ireland to a place of residence of the owner or driver of the vehicle;
- (v) removing it in pursuance of bye-laws made under Article 107(1) of the Order or removing it under Article 171(2) of the Order or Article 30 of the Pollution Control and Local Government (Northern Ireland) Order 1978(a);
- (vi) where the vehicle has been detained or seized by a constable, for police purposes connected with such detention;
- (vii) where the vehicle has been removed, detained or seized or condemned as forfeited under any provision of the Customs and Excise Management Act 1979(b), for any purpose authorised by an officer of Customs and Excise; and
- (viii) for the purpose of testing it by a motor trader (as defined in section 16(10) of the Vehicles (Excise) Act (Northern Ireland) 1972 and 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 the motor trader.

Production of certificate on application for licence

12.—(1) Where an application is made for a licence under the Vehicles (Excise) Act (Northern Ireland) 1972 for a motor vehicle to which Article 34(2)(a) of the Order applies, the licence shall not be granted unless—

- (a) there is produced an effective certificate; or
- (b) there is made a declaration in the form set out in Schedule 4.

(2) Where an application is made for a licence under the Vehicles (Excise) Act (Northern Ireland) 1972 for a motor vehicle to which Article 34(2)(b) of the Order 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 5 years from the date of manufacture has not expired; or
- (c) there is made a declaration in the form set out in Schedule 4.

(a) S.I. 1978/1049 (N.I. 19)

(b) 1979 c. 2

Fee payable for examination under Article 35(2) or 36(3) of the Order

13. The fee payable for an examination under Article 35(2) or 36(3) of the Order shall be the relevant amount prescribed in Part III of Schedule 1.

Revocation

14. The Regulations specified in Schedule 5 are revoked.

Sealed with the Official Seal of the Department of the Environment on
23rd June 1989.

(L.S.)

Trevor Pearson

Assistant Secretary

The Department of Finance and Personnel approves Schedule 1.

Sealed with the Official Seal of the Department of Finance and Personnel
on 23rd June 1989.

(L.S.)

Derek A. Hill

Assistant Secretary

SCHEDULE 1

(See regulations 3(2)(c),
5(2) and (3), 9(1) and 13)

PART I

Fees for Tests

1. *Fee payable for test under regulation 3(2) or 5(2)*
 - (a) Motor bicycle £ 8·60
 - (b) Any other motor vehicle £14·30
2. *Fee payable for re-test under regulation 5(3)*
 - (a) Motor bicycle £ 4·30
 - (b) Any other motor vehicle £ 7·15

PART II

Fees on Appeals

- (a) Motor bicycle £ 8·60
- (b) Any other motor vehicle £14·30

PART III

**Fees for Examinations under Article 35(2)
or 36(3) of the Order**

- (a) Motor bicycle £ 8·60
- (b) Any other motor vehicle £14·30

SCHEDULE 2

(See regulation 4(2))

Items included in Test**1. BRAKING SYSTEMS**

1.1 Service brake

1.1.1 Mechanical condition

1.1.2 Efficiency

1.1.3 Balance

1.2 Parking brake

1.2.1 Mechanical condition

1.2.2 Efficiency

2. STEERING AND STEERING WHEEL

2.1 Mechanical condition

2.2 Steering wheel

2.3 Steering play

3. VISIBILITY

3.1 Windscreen wipers

3.2 Screenwashers

4. LAMPS, REFLECTORS AND ELECTRICAL EQUIPMENT

4.1 Main and dipped-beam

4.1.1 Condition and operation

4.1.2 Alignment

4.1.3 Switches

4.1.4 Visual efficiency

4.2 Side lamps

4.2.1 Condition and operation

4.2.2 Colour and visual efficiency

4.3 Stop lamps

4.3.1 Condition and operation

4.3.2 Colour and visual efficiency

4.4 Direction-indicator lamps

4.4.1 Condition and operation

4.4.2 Colour and visual efficiency

4.4.3 Switches

4.4.4 Flashing frequency

4.5 Rear fog lamps

4.5.1 Position

4.5.2 Condition and operation

4.5.3 Colour and visual efficiency

4.6 Reflex reflectors — Condition and colour

4.7 Tell-tale — Trafficators

4.8 Electrical wiring

5. AXLES, WHEELS, TYRES AND SUSPENSION
 - 5.1 Axles
 - 5.2 Wheels and tyres
 - 5.3 Suspension

6. CHASSIS AND CHASSIS ATTACHMENTS
 - 6.1 Chassis or frame and attachments
 - 6.1.1 General condition
 - 6.1.2 Exhaust pipe and silencers
 - 6.1.3 Fuel tanks and pipes

 - 6.2 Cab and bodywork
 - 6.2.1 General condition
 - 6.2.2 Mounting
 - 6.2.3 Doors and locks
 - 6.2.4 Floor
 - 6.2.5 Driver's seat
 - 6.2.6 Running boards

7. OTHER EQUIPMENT
 - 7.1 Safety belts
 - 7.2 Audible warning device
 - 7.3 Speedometer (presence of)

8. NUISANCE
 - 8.1 Check on exhaust system for leaks

9. VEHICLE IDENTIFICATION
 - 9.1 Registration number plate

FORM I

**Department of the Environment for Northern Ireland
Article 33 of the Road Traffic (Northern Ireland) Order 1981**

VEHICLE TEST CERTIFICATE

No.

It is hereby certified that the vehicle with the registration mark,
having been tested on the day of 19, on that date
complied with the statutory requirements relating to the construction and condition of
motor vehicles, their accessories and equipment.

Date of issue Signature
(Inspector of vehicles)

Date of expiry Inspection Centre

Make HP/CC

Approximate year of
Manufacture Recorded Mileage

FORM 2

**Department of the Environment for Northern Ireland
Article 33 of the Road Traffic (Northern Ireland) Order 1981**

NOTIFICATION OF REFUSAL OF A VEHICLE TEST CERTIFICATE

Notice is hereby given that a certificate in respect of the vehicle with the
registration mark is refused on the following grounds:

.....
.....
.....

Date of Test Signature
(Inspector of vehicles)

Make Inspection Centre
HP/CC

Approximate year of Manufacture
Recorded Mileage

SCHEDULE 4

(See regulation 12)

I declare that the vehicle, registration mark 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 11 of the Motor Vehicle Testing Regulations (Northern Ireland) 1989.

Name Usual Signature
(in full)

Address Date

.....

.....

.....

Regulations revoked

<i>Title</i>	<i>Year and Number</i>
Motor Vehicle Testing Regulations (Northern Ireland) 1975	S.R. 1975 No. 138
Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 1980	S.R. 1980 No. 323
Motor Vehicle Testing (Amendment No. 2) Regulations (Northern Ireland) 1982	S.R. 1982 No. 335
Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 1984	S.R. 1984 No. 236
Motor Vehicle Testing (Fees) (Amendment) Regulations (Northern Ireland) 1988	S.R. 1988 No. 258

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Motor Vehicle Testing Regulations (Northern Ireland) 1975 and the Regulations which amended them (which are revoked) as specified in Schedule 5 to these Regulations. The principal amendments are as follows:

1. Applications for a vehicle test certificate must now be submitted at least 2 months (previously 1 month) before the date on which the certificate is required to have effect (regulation 3(2)(b)).
2. Fees payable are increased as follows—
 - (1) test—
 - (a) for a motor bicycle from £7·90 to £8·60;
 - (b) for any other motor vehicle from £13·20 to £14·30; and
 - (c) where an application is made within 21 days from the date of service of a notice of refusal and the vehicle is brought for re-test on the date arranged by the Department of the Environment—
 - (i) for a motor bicycle from £3·95 to £4·30; and
 - (ii) for any other motor vehicle from £6·60 to £7·15.
 - (2) appeals on refusal of a certificate—
 - (a) for a motor bicycle from £7·90 to £8·60; and
 - (b) for any other motor vehicle from £13·20 to £14·30.
 - (3) examinations under Article 35(2) (where vehicle has previously failed a roadside examination) or 36(3) (where driving of a defective vehicle on a road has been prohibited) of the Road Traffic (Northern Ireland) Order 1981—
 - (a) for a motor bicycle from £7·90 to £8·60; and
 - (b) for any other motor vehicle from £13·20 to £14·30.
 - (4) duplicate vehicle test certificates—
 - (a) for a motor bicycle from £1·00 to £4·30; and
 - (b) for any other motor vehicle from £1·00 to £7·15 (regulations 3(2), 5(2) and (3), 8, 9(1) and 13).
3. Two new exemptions from the requirement to have a vehicle test certificate are introduced. These are in respect of—
 - (a) a vehicle which is authorised to be used on roads under Article 29(3) (special types of vehicles, etc.) of the Road Traffic (Northern Ireland) Order 1981 (regulation 11(k)); and
 - (b) a vehicle imported into Northern Ireland while being driven from the place where it has arrived in Northern Ireland to the place of residence of the owner or driver of the vehicle (regulation 11(p)(iv)).

The opportunity has also been taken to make some drafting amendments.