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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 303**

**Motor Vehicle Testing Regulations (Northern Ireland) 2003**

**PART II**

**EXAMINATIONS**

**Manner of making application for examinations, and fees**

7.—(1) Any person wishing to have an examination carried out on a vehicle shall make application for that purpose to the Department.

(2) Every person making an application under paragraph (1) shall provide such particulars as the Department may reasonably require and the appropriate fee as determined in accordance with paragraph 1 of Schedule 1.

**Time of application for tests**

8. Every application for an examination of a vehicle shall be made –
- (a) at least one month before the date on which the applicant desires to submit the vehicle for the examination; and
  - (b) not more than three months before the last day by which the vehicle is required by these Regulations to be submitted for the examination.

**Notice of place and time of examinations**

9. As soon as reasonably practicable after the date of the receipt of an application for an examination and the appropriate fee for that examination the Department shall issue notice to the applicant of the vehicle testing centre at which the examination is to take place and the date and time reserved by the Department for that examination.

**Requirements as to vehicles submitted for examinations**

10.—(1) On being notified by the Department, the applicant shall present the vehicle for inspection in clean condition, together with the registration book and previous test certificate or licence, if any, at the time and centre specified in the notice.

- (2) A vehicle examiner shall not be obliged to carry out an inspection where –
- (a) the vehicle is not submitted at the time and place notified to the applicant;
  - (b) on submission of a vehicle for an inspection the applicant does not, after being requested to do so, produce the registration document and previous test certificate or licence, if any;
  - (c) the correct fee in respect of that inspection has not been paid;
  - (d) the particulars provided at time of application are found to be substantially incorrect;

- (e) the vehicle, or any motor vehicle by which it is accompanied, or any part of or any equipment of the vehicle is so dirty as to make it unreasonably difficult for the inspection to be carried out in accordance with the provisions of these Regulations;
- (f) the vehicle, or any motor vehicle by which it is accompanied, emits substantial quantities of avoidable smoke; or
- (g) an examiner is not able to complete the inspection due to the failure of a part of the vehicle, or any vehicle by which it is drawn or intended to be drawn, which renders the vehicle, or any such accompanying vehicle incapable of being moved in safety under the power of the vehicle or, as the case may be, of the accompanying vehicle.

### **Application for re-examinations**

11.—(1) Where, under regulation 12, a notification of the refusal of a test certificate in respect of a vehicle is issued, the vehicle may be submitted at a vehicle testing centre for a re-examination.

(2) Where an applicant desires to submit a vehicle for a re-examination he shall make a further application for that purpose.

(3) The fee payable on such an application is the appropriate fee determined in accordance with paragraph 1 of Schedule 1.

(4) Where an application is made under paragraph (2) within 21 days from the date of service of the notice and the vehicle is presented for re-examination on a date and at a time appointed by the Department, the fee payable is the appropriate fee determined in accordance with paragraph 2 of Schedule 1.

(5) Where an application is made under paragraph (2) within 21 days from the date of service of the notice and the vehicle is presented for re-examination on a date and a time appointed by the Department, and some or all of the statutory requirements which were not complied with in the original examination relate to item 34 in paragraph 5(c) of Schedule 2, the fee payable is the appropriate fee determined in accordance with paragraph 3 of Schedule 1.

### **Examinations, and issue of test certificates (or notices of refusal)**

12. On the submission of a vehicle for an examination the Department shall arrange for a vehicle to undergo that examination, and when that examination has been completed there shall be issued –

- (a) where the vehicle is found to comply with the prescribed statutory requirements and the condition requirement, a test certificate, or
- (b) where the vehicle is found not to comply with the prescribed statutory requirements or the condition requirement, a notice of refusal of a test certificate.

### **Re-examination procedure, and issue of test certificates (or notices of refusal)**

13.—(1) Where a vehicle is submitted for a re-examination at a vehicle testing centre in circumstances where the fee for the re-examination is payable under paragraph (4) of regulation 11 a vehicle examiner shall in carrying out the examination be under an obligation only to examine the vehicle for the purpose of ascertaining whether it complies with the particular items of the prescribed statutory requirements or the condition requirement with which it was shown in the notice of a refusal of a test certificate not to comply.

(2) Where a vehicle examiner finds that the vehicle complies with the particular items of the prescribed statutory requirements or the condition requirement mentioned in paragraph (1) and has no reason to believe that the other prescribed statutory requirements or the condition requirement are not complied with in relation to the vehicle, there shall be issued a test certificate.

(3) Where a vehicle examiner does not find that the vehicle complies with the particular items of the prescribed statutory requirements or the condition requirement mentioned in paragraph (1) or finds that any other prescribed statutory requirement or an item of the condition requirement is not complied with in relation to the vehicle, there shall be issued a notice of the refusal of a test certificate.

(4) Where a vehicle is submitted for a re-examination at a vehicle testing centre in circumstances where a fee for the re-examination is payable under regulation 11(3), the Department shall arrange for the vehicle to undergo a re-examination, and when that re-examination has been completed there shall be issued –

- (a) where the vehicle is found to comply with the prescribed statutory requirements and the condition requirement, a test certificate; or
- (b) where the vehicle is found not to comply with the prescribed statutory requirements or the condition requirement, a notice of refusal of a test certificate.

(5) The person submitting the vehicle for re-examination shall produce the notification of refusal and the registration book relating to the vehicle, and the Department shall not be required to carry out the re-examination unless the notification of refusal and the registration book are produced.

#### **Form of test certificates and notices of refusal**

**14.**—(1) Test certificates and notices of refusal of a test certificate issued under regulation 12 or 13 shall contain –

- (a) the date on which it was issued;
- (b) details of the vehicle testing centre at which it was issued; and
- (c) the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chassis or serial number marked on the vehicle.

(2) Test certificates issued under regulation 12 or 13 shall be signed by a vehicle examiner.

#### **Removal of vehicle submitted for examination**

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