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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 304**

**Goods Vehicles (Testing) Regulations (Northern Ireland) 2003**

**PART IV**

**MISCELLANEOUS MATTERS**

**General provisions as to repayment of fees**

**18.**—(1) The fees paid in pursuance of regulation 10 or 13 shall 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, notice cancelling the appointment of not less than one clear day 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 the appointment due to exceptional circumstances occurring not more than 7 days before the said date and of which notice is given within 3 days of the occurrence thereof to the Department at the vehicle testing centre where the examination is or, as the case may be, was to be held.

(2) In this regulation “exceptional circumstances” means an accident, a fire, 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).

**Fees on appeal**

**19.**—(1) After the completion of a re-examination for the purposes of an appeal under Article 66 of the 1995 Order the Department may repay to the appellant, as it thinks fit, either the whole or part of the fee paid on the appeal where it appears to the Department there were substantial grounds for contesting the whole or part of the determination against which the appeal was made.

(2) Subject to paragraph (3), a fee payable on an appeal in accordance with these Regulations shall be payable notwithstanding that the vehicle is not submitted for re-examination in accordance with regulation 17.

(3) Paragraph (2) shall not apply if the appellant has before the time fixed under regulation 17 for the carrying out of the re-examination given the Department not less than 3 clear days' notice (whether in writing or otherwise) at the vehicle testing centre at which his appeal was lodged that he does not propose to submit the vehicle for re-examination at that time.

### Replacement of certificates

**20.**—(1) If a goods vehicle test certificate has been lost or defaced, an application for the issue of a replacement for the certificate lost or defaced may be made to the Department, and every such application shall be accompanied by the payment of the fee of £10·00.

(2) On the receipt of an application and fee mentioned in paragraph (1) the Department shall determine whether the vehicle shall be re-examined, and if it determines –

(a) that no re-examination of the vehicle is required the Department shall issue to the applicant a replacement for the certificate to which the application relates and any such replacement shall have the same effect as the certificate which it replaces and shall be marked “replacement”;

(b) that a re-examination of the vehicle is required, the Department shall by notice to the sender require the vehicle to be submitted for re-examination at a vehicle testing centre specified in the notice and appoint a date and time for the examination.

(3) A re-examination under paragraph (2)(b) shall be carried out as if it were a test under regulation 14, the appropriate fee shall be paid as if the examination were a test under that regulation, and the appropriate documents shall be issued in accordance with regulation 14.

### Display of certificates

**21.** Where a goods vehicle test certificate is issued under regulation 14, Part 2 of that 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 the road and shall be displayed –

(a) in the case of a 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 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 1,830 millimetres above the surface of the road so that all particulars are clearly visible by daylight to a person standing at the near side of the vehicle.

### Revocation or suspension of certificates

**22.**—(1) The Department may revoke or suspend a goods vehicle test certificate –

(a) if that certificate has been obtained by misrepresentation;

(b) if the vehicle fails to conform with the requirements referred to in regulation 14(a); or

(c) 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(1).

(2) In the event of a revocation or suspension under paragraph 1(a) or (b) –

(a) the Department shall serve on the owner written notice of such revocation or suspension and the goods vehicle test certificate shall be deemed to be revoked or suspended as from the date of such service; and

(b) the owner shall deliver the certificate to the place specified in the notice within 7 days of the date of service of the notice.

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(1) 1967 c. 37; section 18(1) was amended by Article 220(1) and paragraph 6(a) of Schedule 7 to the Road Traffic (Northern Ireland) Order 1981

### **Production of certificate on application for licence**

**23.** Where an application is made for a licence under the 1994 Act for a motor vehicle to which Article 69(2) of the 1995 Order applies, the licence shall not be granted unless there is produced an effective goods vehicle test certificate.

### **Computation of time**

**24.—(1)** Save in regulations 13(4), 17(2), 18(1)(d) (insofar as it relates to 7 days) and 22(2)(b), no period of time prescribed in these Regulations shall include any day which is a Saturday, Sunday or public holiday.

(2) For the purposes of this regulation “public holiday” shall not include Good Friday and shall include Easter Tuesday.