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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 18**

**ROAD TRAFFIC AND VEHICLES**

**The Motor Vehicle Testing (Electronic Communications) Order (Northern Ireland) 2011**

*Made* - - - - *27th January 2011*

*Coming into operation* *4th April 2011*

The Department of the Environment makes the following Order in exercise of the powers conferred by section 1(1) of the Electronic Communications Act (Northern Ireland) 2001<sup>(1)</sup>.

In accordance with section 1(3) of that Act the Department considers that the authorisation of the use of electronic communications for any purpose is such that the extent (if any) to which records of such things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

**Citation and commencement**

1. This Order may be cited as the Motor Vehicle Testing (Electronic Communications) Order (Northern Ireland) 2011 and shall come into operation on 4<sup>th</sup> April 2011.

**Amendment of the Motor Vehicle Testing Regulations (Northern Ireland) 2003**

2.—(1) The Motor Vehicle Testing Regulations (Northern Ireland) 2003<sup>(2)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) after the definition of “dual-purpose vehicle” insert—

““electronic communication” has the meaning given by section 4(1) of the Electronic Communications Act (Northern Ireland) 2001;”.

(3) For regulation 9 (notice of place and time of examinations) substitute—

“9.—(1) 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.

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(1) 2001 c.9 (N.I.)

(2) S.R. 2003 No. 303; to which there are amendments not relevant to these Regulations

(2) Without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954 (service of documents), any notice required to be issued under paragraph (1) may be issued, in a case where an address for issue using electronic communications has been given by the applicant, by sending it using electronic communications in accordance with the condition set out in paragraph (3).

(3) The condition referred to in paragraph (2) is that—

- (a) the notice shall be in a format capable of being accessed by the recipient;
- (b) the notice shall be in a form that is capable of being kept for future reference; and
- (c) the information contained in the notice shall be available to the recipient to no lesser extent than it would be if issued by means of notice in printed form.

(4) Where a person uses electronic communications to apply for an examination under regulation 7(1) he shall be taken to have agreed, except where a contrary intention appears, to the use of electronic communications in connection with that application and the address for that purpose is that provided by the applicant.

(5) Where a person is no longer willing to accept the use of electronic communications for the purposes of this regulation, he shall give notice in writing withdrawing any address notified to the Department and such withdrawal shall be final and shall take effect on a date specified by the person in the notice but not less than 7 days after the date on which the notice is given.”.

Sealed with the Official Seal of the Department of the Environment on 27<sup>th</sup> January 2011



*Deirdre Kenny*  
A senior officer of the  
Department of the Environment

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 1 of the Electronic Communications Act (Northern Ireland) 2001 (“the Act”) empowers the appropriate department to modify by order any statutory provision for the purpose of authorising or facilitating the use of electronic communications.

For the purposes of this Order the Department of the Environment is the appropriate department in accordance with section 2(1) of the Act.

This Order amends the Motor Vehicle Testing Regulations (Northern Ireland) 2003 by inserting the definition of “electronic communication” into regulation 2(1) and substituting regulation 9 to facilitate the use of electronic communications for issuing vehicle test appointment notices, subject to specified conditions.