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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 85**

**The Motor Vehicles Testing (Amendment)  
Regulations (Northern Ireland) 2018**

**Citation and commencement**

1. These Regulations may be cited as the Motor Vehicles Testing (Amendment) Regulations (Northern Ireland) 2018 and shall come into operation on 20<sup>th</sup> May 2018.

**Amendment of the Motor Vehicles Testing Regulations (Northern Ireland)**

2.—(1) The Motor Vehicles Testing Regulations (Northern Ireland) 2003(1) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation) omit the definitions of—

- (a) “break-down vehicles”;
- (b) “road construction vehicles”; and
- (c) “tower wagon”.

(3) In regulation 5 (classification of vehicles and application of regulations)—

(a) for paragraph (1) substitute—

“(1) For the purposes of these Regulations motor vehicles to which they apply are classified as follows—

- (a) Class I: light motor bicycles in EU categories L1e, L3e and L4e;
- (b) Class II: motor bicycles in EU categories L3e and L4e;
- (c) Class III: light motor vehicles in EU categories L2e and L5e;
- (d) Class IV: motor cars and heavy motor cars, dual purpose vehicles and motor vehicles in EU categories L5e, L6e, L7e, M1, M2, M3 not being vehicles in Classes III, V, VA, VI, or VIA;
- (e) Class V: motor vehicles in EU categories M2 and M3 not being vehicles within Class VA, VI or VIA which are—
  - (i) large passenger carrying vehicles;
  - (ii) play buses; and
  - (iii) ambulances with more than 16 seats in addition to the driver;
- (f) Class VA: motor vehicles, other than vehicles to which paragraph (3) applies, in EU categories M2 and M3 which are—
  - (i) large passenger carrying vehicles;
  - (ii) play buses; and

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(1) S.R. 2003 No. 303 relevant amending Regulations are S.R. 2005 No. 409, S.R. 2006 No. 494, S.R. 2007 No. 98, S.R. 2008 No. 109, S.R. 2012 No. 148, S.R. 2013 No. 217, S.R. 2013 No. 286, S.R. 2015 No.41 and S.R. 2016 No. 343

- (iii) ambulances with more than 16 seats in addition to the driver, in respect of which any forward facing seat is fitted with a relevant seat belt;
- (g) Class VI: motor vehicles in EU categories M2 and M3 which are—
  - (i) minibuses, and
  - (ii) ambulances with more than 8 seats but not more than 16 seats in addition to the driver; and
- (h) Class VIA: motor vehicles, other than vehicles to which paragraph (3) applies, in EU categories M2 and M3 which are—
  - (i) minibuses, and
  - (ii) ambulances with more than 8 seats but not more than 16 seats in addition to the driver,
 in respect of which any forward facing seat is fitted with a relevant seatbelt.”.

(b) after paragraph (4) insert—

“(5) In this regulation references to vehicles in EU categories—

- (a) L1e to L7e are to those categories as described in Annex 1 to Regulation (EU) 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two or three wheeled vehicles and quadricycles<sup>(2)</sup>; and
- (b) M1 to M3, are to those categories as described in Annex 2 to [Directive 2007/46/EC](#) of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers and of the systems, components and separate technical units intended for such vehicles<sup>(3)</sup>.”.

(4) In regulation 6(1) (exemptions)—

(a) in sub-paragraph (xvii), for paragraph (b) substitute—

“(b) a vehicle which has an inside track width of not more than 1100 millimetres;”;

(b) omit sub-paragraph (xix);

(c) omit sub-paragraph (xxi);

(d) at the end of sub-paragraph (xxii) omit the full stop and add “; and”; and

(e) after sub-paragraph (xxii) add—

“(xxiii) a vehicle which is incapable, by reason of its construction, of exceeding a speed of 15.5 miles per hour on the level under its own power.”.

(5) In Regulation 11 (application for re-examination)—

(a) for paragraph (4) substitute—

“(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 no later than sixty days from the date of notification of refusal as in paragraph (1) on a date and time appointed by the Department, the fee payable is the appropriate fee determined in accordance with paragraph 2 of Schedule 1.”; and

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(2) OJ No L60, 2.3.2013, p52

(3) OJ No L 263, 9.10.2007, p1. The Directive has been amended by [Commission Regulation \(EC\) No. 1060/2008](#) of 7 October 2008 (OJ No. L292 1, 31.10.2008), Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 1, 4.2.2009), Regulation (EC) No. 79/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 32, 4.2.2009), [Commission Regulation \(EC\) No. 385/2009](#) of 7 May 2009 (OJ No. L 118 13, 13.5.2009), Regulation (EC) No. 661/2009 of the European Parliament and of the Council of 13 July 2009 (OJ No. L200 1, 31.7.2009), Commission [Directive 2010/19/EU](#) of 9 March 2010 (OJ L72 17, 20.3.2010) and [Commission Regulation \(EU\) No. 371/2010](#) of 16 April 2010 (OJ L110 1, 1.5.2010) and by [Commission Regulation \(EU\) No. 678/2011](#) of 14 July 2011 (OJ L185 30, 15.7.2011) which replaced Annex 2

(b) for paragraph (5) substitute—

“(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 no later than sixty days from the date of notification of refusal as in paragraph (1) on a date and 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.”.

(6) In regulation 14 (form of test certificates and notices of refusal) for the term “be in the form” substitute “include the information”.

(7) In regulations 23 (computation of time) for “11(4)” substitute “11(4) and (5)”.

(8) In Schedule 2 (the prescribed statutory requirements for vehicles)—

(a) in paragraph 1(a)—

(i) after item 1 in the table insert—

“1A	27	Springs and Resilient Material”; and
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(ii) after item 10 in the table insert—

“10A	115 (insofar as it relates to the condition of the vehicle structure, the chassis, frame and any subframe or any mounting or connection or part of the suspension, to the extent that such condition may prejudice the steering or braking of the vehicles)	Structure and Suspension”;
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(b) for paragraph 1(c) substitute—

“(c) The requirements contained in the following provisions of the Road Vehicles (Display of Registration Marks) Regulations 2001(4):

<i>Item No.</i>	<i>Regulations</i>	<i>Affecting</i>
19	Such provisions of, as are applicable to the vehicle	Registration Marks”;

(c) in paragraph 2(b) in the table before item 20 insert—

“19A	22	Vacuum or Pressure Brake Warning Devices”;
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(d) in paragraph 2(c)—

(i) in the table for item 28 substitute—

“28	21, 23 and 26	Front and Rear Fog Light”; and
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(ii) in the table after item 28C insert—

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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“28D	21 and 26	Reversing Lamp
28E	21 and 26	Daytime Running Lamp”; and

(e) in paragraph (3)—

- (i) in column 2 in the table for “74” substitute “74 and 74A”;
- (ii) in column 3 in the table for “Emissions” substitute “Emissions and Emission Control Devices”; and
- (iii) in the table after item 32 insert—

“32A	115 (insofar as it relates to the condition of seats, doors and other openings, body fittings and interior fittings to such an extent such condition may cause danger)	Cab (including steps and step-rings) seats, door, other openings and driving controls
32B	115	Spare Wheel and Carrier, Transmission, Engine Mountings and Steering Lock
32C	115	Tyre Pressure Monitoring Systems”

(9) For Schedule 3A (vehicle test certificate) substitute the Schedule to these Regulations.

Sealed with the Official Seal of the Department for Infrastructure on 13<sup>th</sup> April 2018



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Department for infrastructure