

2018 No. 85

ROAD TRAFFIC AND VEHICLES

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

Made - - - - - *13th April 2018*

Coming into operation - *20th May 2018*

The Department for Infrastructure^(a) makes the following Regulations in exercise of the powers conferred by Articles 61(2) and (6), 62, 63(1) and (5) and 110(2) of the Road Traffic (Northern Ireland) Order 1995^(b) and now vested in it^(c).

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 20th May 2018.

Amendment of the Motor Vehicles Testing Regulations (Northern Ireland)

2.—(1) The Motor Vehicles Testing Regulations (Northern Ireland) 2003^(d) 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;

(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved

(b) S.I. 1995/2994 (N.I. 18)

(c) See Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(d) 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

- (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
 - (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^(a); 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^(b).”.

(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

(a) OJ No L60, 2.3.2013, p52

(b) 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

(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

(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
-----	----	--------------------------------------

(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 of braking of the vehicles)	Structure and Suspension”;
------	---	----------------------------

(b) for paragraph 1(c) substitute—

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

<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”;
------	----	--

(d) in paragraph 2(c)—

(i) in the table for item 28 substitute—

“28	21, 23 and 26	Front and Rear Fog Light”; and
-----	---------------	--------------------------------

(a) S.I. 2001/561 as amended by S.I. 2001/1079, S.I. 2002/2687, S.I. 2002/2742 and S.I. 2009/811

(ii) in the table after item 28C insert—

“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 13th April 2018



Elizabeth Loughran
A senior officer of the
Department for infrastructure

SCHEDULE 1

Regulation 2(9)

“SCHEDULE 3A

Regulation 14

Information to be included on a vehicle test certificate and notification of refusal

Country symbol of state of registration

Registration number if available, or in the case of a trailer, the identification mark which shall be allotted to the trailer by the Department

Date of issue

Date of expiry (where applicable)

Place of issue

Odometer Reading (if available)

Vehicle Category (if available)

Result of test

Make

HP/CC

Year of manufacture

VIN Number

Defects (where applicable)

Name of testing organisation”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amends the Motor Vehicles (Testing) Regulations (Northern Ireland) 2003 (“the 2003 Regulations”), to give effect to the relevant requirements of Directive 2014/45/EU of the European Parliament and of the Council of 3rd April 2014 on periodic road worthiness tests for motor vehicles and their trailers^(a)

These Regulations amend regulations 5 and 6 of the 2003 Regulations to bring certain vehicles within the scope of those Regulations and to exclude vehicles with a design speed of no more than 15.5 miles per hour.

These Regulations amend regulation 11 of the 2003 Regulations to prescribe a limit on the time allowed for retesting follow an initial test failure.

The Regulations also amend Schedule 2 (the prescribed statutory requirements for vehicles) of the 2003 Regulations to insert new criteria and items to be checked when carrying out road worthiness tests.

An Explanatory Memorandum and Transposition Note have been produced and are available from the Safe and Sustainable Travel Division, Clarence Court, 10-18 Adelaide Street, Towns Parks, Belfast, BT2 8GB or viewed online alongside these Regulations at <http://www.legislation.gov.uk/nisr>

© Crown copyright 2018

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

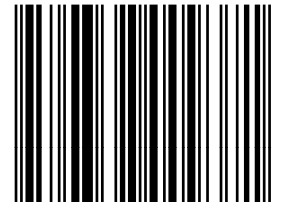
^(a) O.J. L127, 29.04.2014. p.51

£6.00

NI201804131002 04/2018 19585

<http://www.legislation.gov.uk/id/nisr/2018/85>

ISBN 978-0-33-800937-1



9 780338 009371