

EXPLANATORY MEMORANDUM TO

**The Motor Vehicles Testing (Amendment) Regulations (Northern Ireland) 2018
S.R. 2018 No. 85**

**The Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) 2018
S.R. 2018 No. 86**

**The Motor Vehicles (Construction and Use) (Amendment) Regulations
(Northern Ireland) 2018
S.R. 2018 No. 87**

**The Road Vehicles Lighting (Amendment) Regulations (Northern Ireland) 2018
S.R. 2018 No. 88**

**The Public Service Vehicles (Amendment) Regulations (Northern Ireland) 2018
S.R. 2018 No. 89**

**The Taxi Licensing (Amendment) Regulations (Northern Ireland) 2018
S.R. 2018 No. 90**

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rules (details above) which are laid before the Northern Ireland Assembly.

1.2 The Motor Vehicles Testing (Amendment) Regulations (NI) are made under Articles 61(2) and (6), 62, 63(1) and (5) and 110(2) of the Road Traffic (Northern Ireland) Order 1995.

The Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) are made under Articles 65(1) and (2), 67(1), 69(5) and 110(2) of the Road Traffic (Northern Ireland) Order 1995.

The Motor Vehicles (Construction and Use) (Amendment) Regulations and the Road Vehicles Lighting (Amendment) Regulations are both made under Articles 55(1) and (2) and 110(2) of the Road Traffic (Northern Ireland) Order 1995.

The Public Service Vehicles (Amendment) Regulations are made under Articles 66(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981.

The Taxi Licensing (Amendment) Regulations are made under sections 20 and 56(1) of the Taxis Act (Northern Ireland) 2008.

All of the above Statutory Rules are subject to the Negative resolution procedure.

2. Purpose

2.1 The following Regulations are being amended 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 (O.J. L 127, 29.04.2014. p.51):

The Motor Vehicles Testing Regulations (Northern Ireland) 2003;

The Goods Vehicles (Testing) Regulations (Northern Ireland) 2003;

The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999;

The Road Vehicles Lighting Regulations (Northern Ireland) 2000;

The Public Service Vehicles Regulations (Northern Ireland) 1985; and

The Taxi Licensing Regulations (Northern Ireland) 2015.

3. Background

3.1 Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers establishes minimum requirements for a regime of roadworthiness tests of vehicles used on public roads. It repeals and replaces the substantially similar Directive 2009/40/EU (O.J. L 141, 06.06.2009. p.12).

3.2 Since much of the content of Directive 2014/45/EU is unchanged from its predecessor, including the core requirements for tests, it is therefore already mostly implemented by existing domestic legislation.

3.3 There are however some changes required by the Directive which are summarised as follows:

- The modification of existing provisions for the testing of fast tractors, falling within the T category in the EU legislative framework. These are large tractors with design speeds of over 40 km/h (roughly 25 mph), and the amending provisions cover those which are used for transporting goods on a commercial basis. Whilst they are already tested as goods vehicles in Northern Ireland, some small changes are needed to align the test and associated requirements with the Directive;
- The addition of European vehicle categories to the existing classification of vehicles. This will not have an impact on the existing categories but will allow both to be referenced and used;
- Removal of exemptions from goods vehicle testing for specialist vehicles constructed on or adapted from goods vehicles of category N2 or N3, which will all now be subject to goods vehicle test. Examples of these are: mobile cranes, breakdown vehicles, engineering plant, tar drying trailers and tower wagons;

- The creation of new exemptions from goods vehicle testing for certain purpose built mobile machinery, showman's vehicles and showman's goods vehicles;
- The exemption from periodic testing of all motor vehicles with a design speed of less than 25 km/h (15.5 mph);
- The introduction of a 60 day limit for the carrying out of retests following failure to pass a periodic vehicle test; and
- The introduction of a number of lesser technical changes to the way in which vehicles are tested and the standards to which they are assessed. Among other things, the following items will now be within the testing regime of the specified classes of vehicles: daytime running lamps, reversing lamps, front fog lamps, steering locks.

4. Consultation

4.1 A consultation was carried out from the 8th September 2017 until the 2nd November 2017. Six responses were received, and of those only two were pertinent to the subject matter. Of those two responses only one was negative, and this was the result of a misunderstanding which was subsequently addressed.

5. Equality Impact

5.1 An equality impact screening exercise was carried out by the Department, and this indicated that there were no impacts on Section 75 groups. Accordingly, the Department considers that a full equality impact assessment is not required.

6. Regulatory Impact

6.1 During the development of the policy in relation to the implementation of the Directive, consideration was given to the overall impact of the provisions necessary. Accordingly, the Department considers that a Regulatory Impact assessment is not necessary since the new testable items relate to vehicle equipment which is already required in law to be roadworthy, the number of vehicles which are losing existing exemptions from testing is negligible and the required changes must be implemented in order to comply with obligations under EU law.

7. Financial Impact

7.1 Some classes of vehicles which are currently tested under the MOT system will now have to apply for a Goods Vehicle Test. The difference in fee is £40. Some vehicles which are currently exempt from testing will now be subject to test, and will have to pay a fee for that annual test. However, given the very small numbers of vehicles affected, the Department considers that the overall financial impact will be negligible.

7.2 There will be small costs for Driver and Vehicle Agency (DVA) in respect of system changes but these are not considered significant. DVA are content that they can absorb these costs within their existing financial systems.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998 as the provisions being introduced are entirely derived from EU legal obligations as contained in Directive 2014/45/EU.

9. EU Implications

9.1 These SRs transpose the additional requirements introduced by Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers.

10. Parity or Replicatory Measure

10.1 Great Britain have transposed the requirements of Directive 2014/45/EU via the following Statutory Instruments and these will therefore contain similar provisions to those contained in the SRs covered by this Explanatory Memorandum: SI 2017 No. 849, SI 2017 No. 850, SI 2017 No. 851 and SI 2017 No. 852.

11. Additional Information

11.1 The Driver and Vehicle Agency will publish information and guidance in relation to the changes to testing regimes implemented by these SRs prior to their operational date of 20th May 2018.