

EXPLANATORY MEMORANDUM TO
The Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland)
2020

S.R. No. 196

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 65(1), 67(1)(m) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of these Regulations is to amend the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003 ("the 2003 Regulations") to exempt goods vehicles with a maximum gross weight not exceeding 3,500 kilograms and which the Department consider to be vehicles of historical interest to Northern Ireland from periodic (annual) roadworthiness testing.
- 2.2. To be considered a Vehicle of Historical Interest (VHI), a goods vehicle with a maximum gross weight not exceeding 3,500 kilograms must have been manufactured or first registered at least 40 years previously, be of a type no longer in production, have been historically preserved or maintained in its original state and have not undergone substantial changes in the technical characteristics of its main components.
- 2.3. In addition, the Regulations further restrict the scope of the existing exemption from periodic roadworthiness testing that applies to pre-1960 goods vehicles with a maximum gross weight exceeding 3,500 kilograms and pre-1960s trailers. As well as complying with the already specified conditions, such vehicles must now also not have undergone substantial changes in the technical characteristics of their main components.

3. Background

- 3.1. Prior to the making of these Regulations, goods vehicles with a maximum gross weight not exceeding 3,500 kilograms and manufactured before 1 January 1960 were exempt from periodic (annual) roadworthiness testing in Northern Ireland.
- 3.2. However Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness testing of vehicles and their trailers, permits Member States to go further and exempt vehicles manufactured or first registered at least 30 years ago from testing provided certain conditions are met.
- 3.3. The Department for Transport (DfT) availed of the flexibility within the Directive and in 2018 removed their corresponding exemption for goods vehicles with a maximum gross weight not exceeding 3,500 kilograms and

instead included those goods vehicles under a new rolling exemption for VHIs manufactured more than 40 years ago. These Regulations will mean that the position in Northern Ireland in relation to VHIs will now essentially align with the position that applies in Great Britain (GB).

- 3.4. Accordingly, these Regulations amend paragraph 41 of Schedule 2 (Classes of Vehicles to which these Regulations do not apply) to the 2003 Regulations to exempt goods vehicles with a maximum weight not exceeding 3,500 kilograms and which are of historical interest from periodic roadworthiness testing. To be classed as a VHI, such goods vehicles must be manufactured or first registered at least 40 years previously, be of a type no longer in production, have been historically preserved or maintained in their original state and have not undergone substantial changes in the technical characteristics of their main components.
- 3.5. Directive 2014/45/EU specifies that a vehicle considered to be of historical interest must not have been substantially altered, regardless of their age. Accordingly, it has been necessary to further restrict the scope of the existing exemption from periodic roadworthiness testing that applies to pre-1960 goods vehicles which have a maximum gross weight exceeding 3,500 kilograms and also pre-1960 trailers. Vehicles of that age can be considered to be of historical interest, if they comply with the conditions specified, although they are not defined as VHIs in these Regulations.
- 3.6. Accordingly, paragraph 32 of Schedule 2 has been amended to ensure that goods vehicles with a gross weight exceeding 3,500 kilograms and first used before 1 January 1960, as well as trailers manufactured before that date, must not have undergone substantial changes in the technical characteristics of their main components if they are to continue to avail of an exemption from periodic roadworthiness testing. Such goods vehicles must also comply with the existing conditions to qualify for the exemption, ie being used unladen and not drawing a trailer, while such trailers must be used unladen. These amendments mirror those made to the corresponding GB legislation.
- 3.7. It should be noted that the owners of VHIs can still apply, on a voluntary basis, for a roadworthiness test to be carried out.

4. Consultation

- 4.1. The Department undertook a public consultation exercise seeking views on the proposed new legislation which ran between 12 June 2019 and 30 August 2019. A total of 44 responses were received, the majority of which (41) were in favour of exempting VHIs from periodic (annual) roadworthiness testing.

5. Equality Impact

- 5.1. The Statutory Rule does not impact on equality of opportunity in any of the groups specified in section 75 of the Northern Ireland Act 1998. In light of this the Department considers that it is not necessary to carry out an equality impact assessment.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was carried out which identified the proposed change as deregulatory in nature and resulting in a small cost benefit for owners of VHIs. However there would also be a small revenue loss to the Driver and Vehicle Agency (DVA) as a result of a limited number of vehicles no longer requiring testing.

7. Financial Implications

- 7.1. There are no significant financial implications arising from the introduction of these Regulations

8. Section 24 of the Northern Ireland Act 1998

- 8.1. There are no matters of concern relating to compatibility with section 24.

9. EU Implications

- 9.1. None

10. Parity or Replicatory Measure

- 10.1. The equivalent DfT legislation that applies in Great Britain is split across the Motor Vehicles (Tests) (Amendment) Regulations 2017 (S.I. 2017/850) and the Goods Vehicles (Plating and Testing) (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/849). Lighter goods vehicles, ie having a maximum gross weight not exceeding 3,500 kilograms, are tested in GB under the former set of Regulations, heavier goods vehicles under the later.

11. Additional Information

- 11.1. Not applicable