
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

Part III

Construction and Use of Vehicles and Equipment

Conditions for grant of excise licence

Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions

72.—(1) The Department may by regulations provide that where—

- (a) application is made in Northern Ireland for a licence under the Vehicle Excise and Registration Act 1994(1) for a vehicle to which Article 63 applies and
- (b) in the case of an application relating to a vehicle to which that Article applies by virtue of paragraph (2)(b) of that Article, it appears from the application that the vehicle has been used on roads (whether in Northern Ireland or elsewhere) before the date of the application,

the licence shall not be granted unless one of the following conditions is satisfied.

(2) Those conditions are that—

- (a) there is produced such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) there is produced such a certificate or the Department is provided with a copy of it, or
- (b) there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under paragraph (6), or in an area prescribed under paragraph (7), of Article 63, or
- (c) in the case of an application relating to a vehicle to which Article 63 applies by virtue of paragraph (2)(b) of that Article, the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and the specified period from the date of manufacture has not expired.

(3) The Department may by regulations provide that where application is made in Northern Ireland for a licence under the Vehicle Excise and Registration Act 1994 for a goods vehicle to which Article 69(2) applies or for a vehicle of any class to which Article 31E(1) of the Order of 1981 applies, the licence shall not be granted unless the requirements of paragraph (4), paragraph (6) or paragraph (7) are satisfied.

(4) The requirements of this paragraph are that—

- (a) on any application, after the relevant date within the meaning of Article 69(2), for a licence for a vehicle to which Article 69(2) applies, there is produced evidence that an effective goods vehicle test certificate is in force for the vehicle,

(b) on the first application, after the day appointed by regulations made by virtue of Article 31E(1) of the Order of 1981, for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under Article 31A of that Order from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations.

(5) In relation to any application referred to in paragraph (3) the requirement set out in paragraph (4)(b) shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity as effect with respect to the vehicle.

(6) The requirements of this paragraph are that there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose or in an area prescribed under sub-paragraph (a) of Article 69(5) of this Order or under Article 31E(4) of the Order of 1981.

(7) The requirements of this paragraph are that there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of sub-paragraph (b) of Article 69(5) of this Order or sub-paragraph (b) of Article 31E(4) of the Order of 1981 which exempts that vehicle from the provisions of Article 69(2) of this Order or Article 31E(1) of the Order of 1981, as the case may be, for a period which includes the date on which the licence is to come into force.

(8) Regulations under paragraph (3) may be made so as to apply to such classes only of vehicles as may be specified in the regulations.

(9) For the purposes of this Article the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in that excepted case shall be taken to be the last day of the year during which the modifications are completed.

(10) In this Article—

“appropriate period” has the same meaning as in Article 63,

“effective goods vehicle test certificate” means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force,

“effective test certificate” means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date on which the licence is to come into force,

“specified period” means the period for the time being specified in Article 63(2)(a) and (b).