

1995 No. 450

ROAD TRAFFIC AND VEHICLES

Goods Vehicles (Testing) Regulations (Northern Ireland) 1995

Made . . . . . 4th December 1995

Coming into operation . . . . . 24th January 1996

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The Department of the Environment, in exercise of the powers conferred on it by Articles 65(1), (2) and (5), 66(3), 67, 69(5), 72(3), 108(1) and (2) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

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(a) S.I. 1995/2994 (N.I. 18); see Article 2(2) for the definition of "the Department" and "prescribed"

## PRELIMINARY

*Citation and commencement*

1.—(1) These Regulations may be cited as the Goods Vehicles (Testing) Regulations (Northern Ireland) 1995.

(2) These Regulations shall come into operation on 24th January 1996.

*Interpretation*

2.—(1) In these Regulations—

“the 1994 Act” means the Vehicle Excise and Registration Act 1994(a);

“the 1995 Order” means the Road Traffic (Northern Ireland) Order 1995;

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(b);

“agricultural motor vehicle”, “agricultural trailer”, “agricultural trailed appliance”, “agricultural trailed appliance conveyer”, “articulated vehicle”, “converter dolly”, “registered”, “semi-trailer”, “straddle carrier”, “track-laying”, “unladen weight”, “works trailer” and “works truck” have the meanings assigned to those expressions in regulation 2(1) of the Construction and Use Regulations;

“break-down vehicle” means a motor vehicle—

(a) on which is permanently mounted apparatus designed for raising one disabled vehicle partly from the ground and for drawing that vehicle when so raised; and

(b) which is not equipped to carry any load other than articles required for the operation of, or in connection with, that apparatus or for repairing disabled vehicles;

“dual-purpose vehicle” has the same meaning as in Article 2(2) of the Order of 1981;

“examination” means any operation being—

(a) a first test;

(b) a periodical test;

(c) a re-test; or

(d) a re-examination on an appeal under regulation 17;

“first-test”, in relation to a vehicle, means an examination for a first goods vehicle test;

“industrial tractor” means a tractor not being an agricultural motor vehicle which—

(a) has an unladen weight not exceeding 7,370 kilograms, and

(b) is designed and used primarily for work off roads, or for work on roads in connection only with road construction or maintenance

(a) 1994 c. 22

(b) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1992 No. 373

(including any such tractor when fitted with an implement designed primarily for use in connection with such work, whether or not any such implement is of itself designed to carry a load);

“living van” means a vehicle whether mechanically propelled or not which is used as accommodation by one or more persons, and which is also used for the carriage of goods or burden which are not needed by such one or more persons for the purpose of their residence in the vehicle;

“maximum gross weight” has the same meaning as in Article 19D of the Order of 1981(a);

“mobile crane” means a vehicle which is designed and constructed as a mobile crane and which—

(a) is used on public roads only as a crane in connection with work carried on at a site in the immediate vicinity or for the purpose of proceeding to and from a place where it is to be or has been used as a crane, and

(b) when so proceeding does not carry any load except such as is necessary for its propulsion or equipment;

“periodical test”, in relation to a vehicle, means a goods vehicle test carried out in accordance with regulation 8;

“play bus” means a motor vehicle which was originally constructed to carry more than 12 passengers but which has been adapted primarily for the carriage of play things for children (including articles required in connection with the use of those things);

“the prescribed construction and use requirements”—

(a) in relation to a vehicle having a maximum gross weight over 3,500 kilograms, means those of the requirements specified in Part I of Schedule 3 which apply to the vehicle and the requirements of Part III of that Schedule, and

(b) in relation to a vehicle having a maximum gross weight of 3,500 kilograms, or under, means those of the requirements specified in Part II of Schedule 3 which apply to the vehicle and the requirements of Part III of that Schedule;

“re-test”, in relation to a vehicle, means an examination which is a goods vehicle test carried out on a vehicle under regulation 15 subsequent to a test of that vehicle under regulation 14 as a result of which a notice of refusal was issued;

“road construction vehicle” means a vehicle—

(a) which is constructed or adapted for use for the conveyance of built-in road construction machinery, and

(b) which is not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of such machinery;

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(a) Article 19D was inserted by Schedule 1 to S.I. 1991/197 (N.I. 3)

“serial number”, in relation to a vehicle the chassis of which has not been constructed separately from its superstructure, means the number given to, and for the purpose of identifying, the vehicle by its manufacturer;

“sold or supplied by retail”, in relation to a trailer, means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration;

“unladen weight” has the same meaning as in Article 2(3A) of the Order of 1981(a);

“vehicle testing centre” means a centre provided by the Department under Article 73 of the 1995 Order.

(2) Any reference in these Regulations to a vehicle of a make, model and type shall, in relation to a trailer, include a reference to a vehicle of a make and bearing a serial number.

(3) For the purposes of these Regulations, in determining when a trailer is first sold or supplied by retail the date of such first sale or supply by retail shall in the case of a trailer which is constructed with a chassis be taken to be the date on which the chassis (with or without a body mounted on it) is first sold or supplied by retail and in the case of any other trailer to be taken to be the date the trailer is first sold or supplied by retail.

#### *Application*

3.—(1) Subject to paragraph (2), these Regulations apply to goods vehicles being—

- (a) heavy motor cars and motor cars constructed or adapted for the purpose of forming part of an articulated vehicle;
- (b) other motor cars and heavy motor cars;
- (c) motor tractors and light locomotives;
- (d) semi-trailers;
- (e) converter dollies of any unladen weight manufactured on or after 1st January 1979; or
- (f) trailers, not being converter dollies or semi-trailers, the unladen weight of which exceeds 1,020 kilograms.

(2) These Regulations do not apply to goods vehicles of any of the classes of vehicle specified in Schedule 2.

#### *Prescribed requirements for tests*

4.—(1) Every vehicle submitted for a goods vehicle test in accordance with these Regulations shall be examined for the purpose of ascertaining whether the prescribed construction and use requirements are complied with.

(2) For the purposes of these Regulations the applicability of any of the prescribed construction and use requirements to a vehicle is not affected by Item 5 in the Table in regulation 3(4) of the Construction and Use Regulations

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(a) Article 2(3A) was inserted by S.R. 1990 No. 224, regulation 17(a).

(which exempts vehicles being used in the course of a goods vehicle test from certain construction and use requirements).

#### *Authority to drive and duties of driver*

5.—(1) The person who drove the vehicle to an examination shall, except so far as he is permitted to be absent by the person who is carrying out the examination, be present throughout the whole of the examination, and shall drive the vehicle and operate its controls when and in such a manner as he may be directed by the person who is carrying out the examination to do so.

(2) The person who is carrying out an examination is authorised to drive the vehicle on a road or elsewhere.

(3) A contravention of this regulation is hereby declared to be an offence.

#### *Conditions of acceptance of vehicle*

6. An examiner shall not be under an obligation to accept a vehicle for examination or to proceed with an examination in any case where—

- (a) the vehicle is not submitted for examination at the time fixed under these Regulations for the examination;
- (b) the applicant for the examination does not, after being requested to do so, produce the notice of appointment (if any) relating to the examination and—
  - (i) in the case of a motor vehicle, either the registration document relating to the vehicle or other evidence of the date of its first registration; or
  - (ii) in the case of a trailer, evidence of the date of its manufacture;
- (c) the fee in respect of that examination has not been paid;
- (d) the particulars relating to the vehicle and shown in any application form relevant to that examination are found to be substantially incorrect;
- (e) the vehicle is one as respects which it has been stated in the application form that it is to be used on roads to draw a trailer and in the last notice of appointment preceding the examination it was required that the vehicle should be accompanied by a trailer which is to be so drawn, and the vehicle is not accompanied by such a trailer;
- (f) the vehicle is a trailer and is not accompanied by a motor vehicle suitable for drawing that trailer and capable of operating any braking system with which the trailer is equipped;
- (g) there is not permanently affixed to the chassis or main structure of the vehicle in a conspicuous and easily accessible position so as to be readily legible either—
  - (i) the chassis or serial number shown in the registration document relating to the vehicle; or
  - (ii) if no such number is shown or exists, the identification mark allotted to the vehicle by the Department;

- (h) the vehicle, or any motor vehicle by which it is accompanied, or any part of or any equipment of the vehicle is so dirty or dangerous as to make it unreasonable for the examination to be carried out in accordance with these Regulations or with any directions given under Article 68 of the 1995 Order, or the applicant for the examination does not produce any certificate required in the last notice of appointment preceding the examination, that a vehicle used for carrying toxic, corrosive or flammable loads has been properly cleaned or otherwise made safe;
- (i) an examiner is not able to complete the examination without the vehicle or, in the case of a trailer, the motor vehicle by which it is accompanied being driven and such vehicle or, as the case may be, accompanying vehicle is not provided with fuel and oil to enable it to be driven to such extent as may be necessary for the purpose of the examination;
- (j) an examiner is not able to complete the examination of a trailer unless the motor vehicle by which it is accompanied is driven on a road, and that motor vehicle cannot be so driven in compliance with section 29 of the 1994 Act because no licence under that Act is in force for such vehicle;
- (k) the vehicle or any trailer by which it is accompanied is not loaded or unloaded in the manner (if any) specified for the purposes of the examination in the last notice of appointment preceding the examination;
- (l) an examiner is not able to complete the examination due to the failure of a part of the vehicle, or of any vehicle by which it is drawn or intended to be drawn, which renders the vehicle, or any such accompanying vehicle incapable of being moved in safety under the power of the vehicle or, as the case may be, the accompanying vehicle; or
- (m) the vehicle or any motor vehicle by which it is accompanied emits substantial quantities of avoidable smoke.

## PART II

### TIMING AND METHOD OF APPLICATION FOR EXAMINATIONS

#### *Dates by which vehicles are to be submitted for first tests*

7.—(1) Every motor vehicle having a maximum gross weight over 3,500 kilograms shall be submitted for a first test no later than the end of the month in which falls the first anniversary of the date on which it was registered.

(2) Every trailer shall be submitted for a first test not later than the end of the month in which falls the first anniversary of the date on which it was first sold or supplied by retail.

(3) Every motor vehicle having a maximum gross weight of 3,500 kilograms or under shall, until 31st March 1996, be submitted for a first test no later than the end of the month in which falls the first anniversary of the

date on which it was registered and from 1st April 1996 every such vehicle shall be submitted for a first test no later than the end of the month in which falls the third such anniversary.

*Dates by which vehicles are to be submitted for periodical tests*

8.—(1) Every vehicle shall, in each year subsequent to the issue of a first goods vehicle test certificate, be submitted for a periodical test either—

- (a) not later than the first anniversary of the date on which the vehicle was required under regulation 7 to be submitted for a first test; or
- (b) if there is in force for the vehicle a goods vehicle test certificate with an expiry date other than that anniversary, not later than that expiry date.

(2) Every vehicle, for which there is a goods vehicle certificate granted under the Goods Vehicles (Certification) Regulations (Northern Ireland) 1990(a), shall be submitted for a periodical test on the date that the goods vehicle certificate ceases to continue in force and subsequently in each year thereafter not later than the anniversary of that date.

*Period of validity of goods vehicle test certificate*

9.—(1) A goods vehicle test certificate issued as a result of a first test, a periodical test, or a re-test following a first test or a periodical test, or an appeal by a person aggrieved by a determination on a first test, a periodical test or on a consequent re-test of a vehicle, shall be valid from the date of its issue for a period of 12 months.

(2) Within the appropriate period after a goods vehicle test certificate is issued, but not earlier than 6 weeks before the end of that period, a further goods vehicle test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of these Regulations as if issued at the end of the said appropriate period.

(3) In this regulation “appropriate period” means a period of 12 months.

*Manner of making application for first tests or periodical tests, and fees*

10.—(1) Any person wishing to have a first test or a periodical test carried out on a vehicle shall make an application for that purpose to the Department.

(2) Every application made under paragraph (1) shall be on a form issued by the Department, and shall contain the particulars required by the form and shall be accompanied by the appropriate fee determined in accordance with Part I of Schedule 1.

*Time of application for first tests or periodical tests*

11. Every application for a first test or periodical test of a vehicle shall be made—

- (a) at least 6 weeks before the date on which the applicant desires to submit the vehicle for that test, and

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(a) S.R. 1990 No. 224 to which there are amendments not relevant to these Regulations



- (b) not more than three months before the last day by which the vehicle is required by these Regulations to be submitted for that test.

*Notice of place and time of first tests or periodical tests*

12. As soon as reasonably practicable after the date of the receipt of an application for a first test or periodical test, the Department shall send notice to the applicant in writing, of the vehicle testing centre at which the test is to take place, and the date and time reserved by the Department for that test.

*Application for re-tests following first tests or periodical tests*

13.—(1) Where, under regulation 14, a notification of the refusal of a goods vehicle test certificate in respect of a vehicle is issued the vehicle may be submitted, if need be on more than one occasion, at a vehicle testing centre for a re-test.

(2) Where an applicant desires to submit a vehicle for a re-test he shall make a further application for that purpose on a form issued by the Department.

(3) The fee payable on such an application shall be determined in accordance with Part I of Schedule 1.

(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-test on a date and at a time appointed by the Department, the fee payable shall be determined in accordance with Part II of Schedule 1.

### PART III

#### REGULATIONS GOVERNING EXAMINATIONS

*First tests or periodical tests, and issue of test certificates (or notices of refusal)*

14. On the submission of a vehicle for a first test or periodical test the Department shall arrange for a vehicle to undergo that test, and when that test has been completed there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate, or
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notice of the refusal of a goods vehicle test certificate.

*Re-test procedure, and issue of test certificates (or notices of refusal)*

15.—(1) Where a vehicle is submitted for a re-test in circumstances where the fee for the re-test is payable under paragraph (4) of regulation 13 a vehicle examiner shall in carrying out the test be under an obligation only to examine the vehicle for the purpose of ascertaining whether it complies with the particular items of the prescribed construction and use requirements with which it was shown in the last notice of a refusal of a test certificate not to comply.

(2) Where a vehicle examiner finds that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in paragraph (1) and has no reason to believe that the other prescribed construction and use requirements are not complied with in relation to the vehicle, there shall be issued a goods vehicle test certificate.

(3) Where a vehicle examiner does not find that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in paragraph (1) or finds that any other prescribed construction and use requirement is not complied with in relation to the vehicle, there shall be issued a notice of the refusal of a test certificate.

(4) Where a vehicle is submitted for a re-test in circumstances where a fee for the re-test is payable under regulation 13(3), the Department shall arrange for the vehicle to undergo a goods vehicle test, and when that test has been completed there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate;
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notice of the refusal of a goods vehicle test certificate.

#### *Form of test certificates and notices of refusal*

**16.**—(1) Goods vehicle test certificates issued under regulation 14 or 15 shall be in the form specified in Schedule 4.

(2) Notices of refusal of a goods vehicle test certificate issued under regulation 14 or 15 shall—

- (a) be signed by a vehicle examiner;
- (b) contain—
  - (i) the date on which it was issued;
  - (ii) details of the vehicle testing centre at which it was issued;
  - (iii) in the case of a notice issued for a motor vehicle, the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chassis or serial number marked on the vehicle;
  - (iv) in the case of a notice issued for a trailer, the identification mark which shall be allotted to the trailer by the Department in the notice of appointment (if any); and
- (c) state the grounds of such refusal.

#### *Appeals*

**17.**—(1) Any person aggrieved by a determination made on a first test or periodical test of a vehicle, or on a consequent re-test of a vehicle by the person in charge of that test, may appeal to the Department.

(2) Any appeal to the Department shall be lodged at the vehicle testing centre at which the test was conducted not later than 14 days from the date of the determination.

(3) Every appeal shall be made on a form issued by the Department and shall contain the particulars required by the Department.

(4) An appeal to the Department shall be accompanied by a fee determined in accordance with Part I of Schedule 1.

(5) As soon as reasonably practicable after the date of the receipt of the appeal, the Department shall send a notice in writing, addressed to the appellant at the address of the appellant stated in the form of appeal, stating where and when a re-examination for the purpose of determining the issues raised is to take place.

(6) On the submission of a vehicle for a re-examination for the purpose of an appeal the person submitting the vehicle for the re-examination shall if requested to do so by the vehicle examiner—

- (a) produce the notice of refusal of a goods vehicle test certificate issued as a result of that first test, periodical test or on a consequential re-test; and
- (b) give such information as may reasonably be required relating to any alteration made or repairs carried out, or any accident or other event occurring since the date of the determination appealed against, which may have affected the vehicle or its equipment.

(7) The officer appointed by the Department under Article 66(2) of the 1995 Order shall not be required to proceed with the re-examination unless the person submitting the vehicle for the re-examination complies with paragraph (6) and nothing in this paragraph shall be taken to derogate from regulation 6.

(8) On completion of the re-examination the Department shall make such determination as it thinks fit, and may issue either a goods vehicle test certificate for the vehicle or a notice of refusal of a goods vehicle test certificate stating the grounds thereof.

(9) Goods vehicle test certificates and notices of refusal of a goods vehicle test certificate issued under the foregoing provisions of this regulation shall be signed by the vehicle examiner and shall contain the same particulars as are appropriate to goods vehicle test certificates and notices of refusal of a goods vehicle test certificate mentioned in regulation 16 and subject to such modifications as may be appropriate.

#### PART IV

#### MISCELLANEOUS MATTERS

##### *General provisions as to repayment of fees*

**18.**—(1) The fees paid in pursuance of regulation 10 or 13 shall be repaid—

- (a) if no appointment for an examination of the vehicle is made or the appointment made is subsequently cancelled by the Department;
- (b) if the person for whom the appointment is made gives to the Department, at the vehicle testing centre from which the examination

is to be conducted, notice cancelling the appointment of not less than 3 clear days before the date of the appointment;

- (c) if the person for whom the appointment is made keeps the appointment but the examination does not take place, or is not completed, for reasons attributable neither to him nor to the vehicle presented for examination; or
- (d) if the person for whom the appointment is made satisfies the Department that the vehicle cannot, or, as the case may be, could not reasonably be presented for examination on the date of the appointment due to exceptional circumstances occurring not more than 7 days before the said date and of which notice is given within 3 days of the occurrence thereof to the Department at the vehicle testing centre where the examination is or, as the case may be, was to be held.

(2) In this regulation “exceptional circumstances” means an accident, a fire, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor).

#### *Fees on appeal*

19.—(1) After the completion of a re-examination for the purposes of an appeal under Article 66 of the 1995 Order the Department may repay to the appellant, as it thinks fit, either the whole or part of the fee paid on the appeal where it appears to the Department there were substantial grounds for contesting the whole or part of the determination against which the appeal was made.

(2) Subject to paragraph (3), a fee payable on an appeal in accordance with these Regulations shall be payable notwithstanding that the vehicle is not submitted for re-examination in accordance with regulation 17.

(3) Paragraph (2) shall not apply if the appellant has before the time fixed under regulation 17 for the carrying out of the re-examination given the Department not less than 3 clear days’ notice (whether in writing or otherwise) at the vehicle testing centre at which his appeal was lodged that he does not propose to submit the vehicle for re-examination at that time.

#### *Replacement of certificates*

20.—(1) If a goods vehicle test certificate has been lost or defaced, an application for the issue of a replacement for the certificate lost or defaced may be made in writing to the Department, and every such application shall be accompanied by the payment of the fee of £9.00.

(2) On the receipt of an application and fee mentioned in paragraph (1) the Department shall determine whether the vehicle shall be re-examined, and if it determines—

- (a) that no re-examination of the vehicle is required the Department shall issue to the applicant a replacement for the certificate to which the application relates and any such replacement shall have the same effect as the certificate which it replaces and shall be marked “replacement”;

(b) that a re-examination of the vehicle is required, the Department shall by notice to the sender require the vehicle to be submitted for re-examination at a vehicle testing centre specified in the notice and appoint a date and time for the examination.

(3) A re-examination under paragraph (2)(b) shall be carried out as if it were a test under regulation 14, the appropriate fee shall be paid as if the examination were a test under that regulation, and the appropriate documents shall be issued in accordance with regulation 14.

#### *Display of certificates*

**21.** Where a goods vehicle test certificate is issued under regulation 14, Part 2 of that certificate shall be attached to the vehicle in a securely fitted weather-proof holder and shall be carried on the vehicle at all times when the vehicle is on the road and shall be displayed—

(a) in the case of a vehicle fitted with a front windscreen extending across the vehicle to its near side, on the near side of the windscreen so that all particulars are clearly visible by daylight from in front of the vehicle; or

(b) in all other cases, on the near side of the vehicle not less than 610 millimetres and not more than 1,830 millimetres above the surface of the road so that all particulars are clearly visible by daylight to a person standing at the near side of the vehicle.

#### *Revocation or suspension of certificates*

**22.—(1)** The Department may revoke or suspend a goods vehicle test certificate—

(a) if that certificate has been obtained by misrepresentation;

(b) if the vehicle fails to conform with the requirements referred to in regulation 14(a); or

(c) where such revocation or suspension is required by or is necessary to give effect to a disqualification ordered under section 18(1) of the Transport Act (Northern Ireland) 1967(a).

(2) In the event of a revocation or suspension under paragraph 1(a) or (b)—

(a) the Department shall serve on the owner written notice of such revocation or suspension and the goods vehicle test certificate shall be deemed to be revoked or suspended as from the date of such service; and

(b) the owner shall deliver the certificate to the place specified in the notice within 7 days of the date of service of the notice.

#### *Production of certificate on application for licence*

**23.** Where an application is made for a licence under the 1994 Act for a motor vehicle to which Article 69(2) of the 1995 Order applies, the licence shall not be granted unless there is produced an effective goods vehicle test certificate.

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(a) 1967 c. 37; section 18(1) was amended by Article 220(1) and paragraph 6(a) of Schedule 7 to the Road Traffic (Northern Ireland) Order 1981

*Computation of time*

**24.**—(1) Save in regulation 18(1)(d) (insofar as it relates to 7 days) and 22(2)(b), no period of time prescribed in these Regulations shall include any day which is a Saturday, Sunday or public holiday.

(2) For the purposes of this regulation “public holiday” shall not include Good Friday and shall include Easter Tuesday.

## PART V

## CROWN VEHICLES

*Provisions as to Crown vehicles*

**25.**—(1) Except as provided in paragraphs (2) and (3), these Regulations apply to goods vehicles which are of a class specified in regulation 3 and which are—

- (a) goods vehicles in the public service of the Crown which are registered or liable to be registered under the 1994 Act; or
- (b) trailers in the public service of the Crown while drawn by goods vehicles (whether or not in the public service of the Crown) which are registered or liable to be registered under the 1994 Act.

(2) A first test of a vehicle, a periodical test or a re-test of a vehicle under Part III may be made by or under the direction of an examiner (in this regulation referred to as an “authorised examiner”) authorised for the purpose by the Department instead of by or under the direction of a vehicle examiner, and in relation to any such examination made by an authorised examiner these Regulations shall apply as if—

- (a) regulations 7, 10, 11, 13 and 17 were omitted; and
- (b) any reference to a vehicle examiner included a reference to an authorised examiner, and any reference to a vehicle testing centre included a reference to premises approved by the Department for the carrying out of examinations under these Regulations by an authorised examiner.

(3) Any person aggrieved by a determination of an authorised examiner on a first test, periodical test or a re-test of a vehicle under Part III may appeal to the Department and on the appeal the Department shall cause the vehicle to be re-examined by an officer appointed by it for the purpose and the Department may make such determination on the basis of the re-examination as it thinks fit and, where appropriate, may issue a goods vehicle test certificate or a notice of the refusal of a goods vehicle test certificate.

## PART VI

## EXEMPTIONS

*Exemptions from Article 69(2) of the 1995 Order*

**26.** The provisions of Article 69(2) of the 1995 Order do not apply to the use of a vehicle for any of the following purposes—

- (a) the purpose of submitting it by previous arrangement for, or of bringing it away from, or being used in the course of or in connection with any examination;
- (b) where a goods vehicle test certificate is refused on an examination—
  - (i) the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy the defects on the grounds of which the certificate was refused; or
  - (ii) the purpose of delivering it, by towing it, to a place where it is to be broken up;
- (c) when unladen, the purpose of being driven under a trade licence issued under section 12 of the 1994 Act;
- (d) the purpose of being driven or drawn where it has been imported into Northern Ireland after arrival in Northern Ireland on the journey from the place where it has arrived in Northern Ireland to a place where it is to be kept by the person importing the vehicle or by any other person on whose behalf the vehicle has been imported, and in this paragraph the reference to a vehicle being imported into Northern Ireland is a reference, in the case of a vehicle which has been so imported more than once, to the first such importation, and in determining for the purposes of this paragraph when a vehicle was first so imported any such importation as is referred to in paragraph 25 of Schedule 2 shall be disregarded;
- (e) any purpose for which it is authorised to be used on roads by an order under Article 60 of the 1995 Order;
- (f) any purpose connected with its seizure or detention by a constable;
- (g) any purpose connected with its removal, detention, seizure, condemnation or forfeiture under any provision in the Customs and Excise Management Act 1979(a);
- (h) the purpose of removing it in pursuance of bye-laws made under Article 107(1) of the Order of 1981 or removing it under 171(2) of that Order or Article 30 of the Pollution Control and Local Government (Northern Ireland) Order 1978(b).

### Revocation

27. The Regulations specified in Schedule 5 are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on  
4th December 1995.

(L.S.)

*Trevor Pearson*

Assistant Secretary

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(a) 1979 c. 2  
(b) S.I. 1978/1049 (N.I. 19)

**Fees****PART I****Fee Payable on Application under regulation 10(2), 13(3) or 17(4)**

(1) <i>Class of Vehicle</i>	(2) <i>Amount of Fee</i>
3,500 kilograms maximum gross or under	£17.50
Over 3,500 kilograms maximum gross weight	£32.50
Trailer	£21.00

**PART II****Fee Payable on Application under regulation 13(4)**

(1) <i>Class of Vehicle</i>	(2) <i>Amount of Fee</i>
3,500 kilograms maximum gross or under	£10.00
Over 3,500 kilograms maximum gross weight	£16.50
Trailer	£10.50



**Classes of Vehicles to which these Regulations do not apply**

1. Dual-purpose vehicles not constructed or adapted to form part of an articulated vehicle.
2. Mobile cranes.
3. Break-down vehicles.
4. Engineering plant and plant, not being engineering plant, which is movable plant or equipment being a motor vehicle or trailer (not constructed primarily to carry a load) especially designed and constructed for the special purposes of engineering operations.
5. Trailers being drying or mixing plant designed for the production of asphalt or of bituminous or tar macadam.
6. Tower wagons either—
  - (a)(i) into which there is built, as part of the vehicle, an expanding or extendible device designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment, and
  - (ii) which is not constructed or adapted for use, or used, for the conveyance of any load other than such a device or articles used in connection with it, or
  - (b)(i) into which there is built, as part of the vehicle, an expanding or extendible device designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment, and
  - (ii) which is not constructed or adapted for use, or used, for the conveyance of any load other than such a device or articles used in connection with it, or
    - (A) such a device or articles used in connection with it, or
    - (B) articles used in connection with the installation or maintenance (by means of such a device) of materials or apparatus for lighting streets, roads or public places.
7. Road construction vehicles and road rollers.
8. Vehicles designed for fire fighting or fire salvage purposes.
9. Work trucks, straddle carriers used solely as work trucks, and works trailers.
10. Electrically-propelled motor vehicles.
11. Vehicles used solely for one or both of the following purposes—
  - (a) clearing frost, ice or snow from roads by means of a snow plough or similar contrivance, whether forming part of the vehicle or not, and
  - (b) spreading material on roads to deal with frost, ice or snow.
12. Motor vehicles used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled.

13. Living vans the maximum gross weight of which does not exceed 3,500 kilograms.

14. Vehicles constructed or adapted for, and used primarily for the purpose of carrying equipment permanently fixed to the vehicle which equipment is used for medical, dental, veterinary, health, educational, display, clerical or experimental laboratory purposes, such use—

- (a) not directly involving the sale, hire or loan of goods from the vehicle, and
- (b) not directly or indirectly involving drain cleaning or sewage or refuse collection.

15. Trailers which have no other brakes than a parking brake and brakes which automatically come into operation on the over-run of the trailer.

16. A motor vehicle at a time when it is being used on a public road during any calendar week if—

- (a) it is being used only in passing from land in the occupation of the person keeping the vehicle to other land in his occupation, and
- (b) it has not been used on public roads for distances exceeding an aggregate of six miles in that calendar week,

and to a trailer drawn by a motor vehicle that is being used on a public road in such circumstances.

For the purposes of this paragraph “public road” means a road which is repairable at the public expense.

17. Agricultural motor vehicles and agricultural trailed appliances.

18. Agricultural trailers and agricultural trailed appliance conveyors drawn on roads only by an agricultural motor vehicle.

19. Converter dollies used solely for the purposes of agriculture, horticulture and forestry, or for any one or two of those purposes.

20. Public service vehicles (as defined in Article 2(2) of the Order of 1981).

21. Taxis (as defined in Article 79A of the Order of 1981(a)).

22. Vehicles used solely for the purposes of funerals.

23. Goods vehicles to which any of the prescribed construction and use requirements do not apply by virtue of either of the following items in the Table in regulation 3(4) of the Construction and Use Regulations namely—

- (a) item 1 (which relates to vehicles proceeding to a port for export);
- (b) item 4 (which relates to vehicles in the service of a visiting force or of a headquarters).

24. Vehicles equipped with new or improved equipment or types of equipment used, solely by a manufacturer of vehicles or their equipment or by an importer of vehicles, for or in connection with the test or trial of any such equipment.

25. Motor vehicles brought into Northern Ireland and displaying a registration mark mentioned in regulation 2(1) of the Motor Vehicles (International Circulation) (Registration and Licensing) Regulations (Northern Ireland) 1963(a), a period of twelve months not having elapsed since the vehicle in question was last brought into Northern Ireland.

26. Motor vehicles in respect of which a goods vehicle test certificate under section 49 of the Road Traffic Act 1988(b) is in force.

27. Goods vehicles not exceeding 3,500 kilograms in respect of which a vehicle test certificate, under section 45 of the Road Traffic Act 1988, is in force.

28. Trailers brought into Northern Ireland and having a base or centre in a country outside Northern Ireland from which the use of the vehicle on a journey is normally commenced, a period of twelve months not having elapsed since the vehicle in question was last brought into Northern Ireland.

29. Industrial tractors.

30. Track-laying vehicles.

31. Steam propelled vehicles.

32. Motor vehicles first used before 1st January 1960, used unladen and not drawing a laden trailer, and trailers manufactured before 1st January, 1960 and used unladen.

For the purposes of this paragraph any determination as to when a motor vehicle is first used shall be made as provided in regulation 2(4) of the Construction and Use Regulations.

33. Motor vehicles constructed and not merely adapted, for the purpose of street cleansing, or the collection or disposal of refuse or the collection or disposal of the contents of gullies and which are either—

(a) three-wheeled vehicles, or

(b) vehicles which—

(i) are incapable by reason of their construction of exceeding a speed of 20 miles per hour on the level under their own power, or

(ii) have an inside track width of less than 810 millimetres.

34. Vehicles designed and used for the purpose of servicing or controlling or loading, or unloading aircraft while so used—

(a) on an airport as defined in Article 2(2) of the Airports (Northern Ireland) Order 1994(c);

(b) on roads outside such an airport if, except when proceeding directly from one part of such an airport to another part thereof, the vehicles are unladen and are not drawing a laden trailer.

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(a) S.R. & O. 1963 No. 79

(b) 1988 c. 52

(c) S.I. 1994/426 (N.I. 1)

35. Vehicles designed for use and used on an airport mentioned in paragraph 34, solely for the purpose of road cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools.

36. Vehicles provided for police purposes.

37. Heavy motor cars constructed or adapted for the purpose of forming part of an articulated vehicle and which are used for drawing only a trailer falling within a class of vehicle specified in paragraph 13, 14 or 15 or a trailer being used for or in connection with any purpose for which it is authorised to be used on roads by an order under Article 60(1) of the 1995 Order, being an order authorising that trailer or any class or description of trailers comprising that trailer to be used on roads.

38. Play buses.

39. Pedestrian-controlled vehicles.

40. Trailers, not being converter dollies or semi-trailers, the unladen weight of which does not exceed 1,020 kilograms.

**The Prescribed Construction and Use Requirements**

## PART I

1. The requirements contained in the following provisions of the Construction and Use Regulations:

(1) <i>Item No.</i>	(2) <i>Regulation</i>	(3) <i>Subject Matter</i>
1	6 to 11	Dimensions
2	13 to 16	Braking systems
3	22 to 25	Tyres
4	27	Maintenance for steering gear
5	28	View to the front
6	31	Mirrors
7	32	Windscreen wipers and washers
8	33 and 34	Speedometer
9	34B(a)	Speed limiters
10	35	Audible warning
11	46, 47 and 48	Seat belts
12	49 and 50	Rear under-run protection
13	51 and 52	Sideguards
14	53	Mascots
15	56	Maintenance of silencer
16	63	Smoke emission, oil, etc.
17	66 and 67	Spray suppression equipment
18	68	Plates
19	71A(a)	Speed limiter plates

(a) Regulations 34B and 71A were inserted by S.R. 1994 No. 452, regulation 4

2. The requirements contained in the following provisions of the Road Vehicles Lighting Regulations (Northern Ireland) 1995(a) set out in column (2) of the Table to the extent shown in column (4) (expressions used in the Table having the same meanings as they have in those regulations).

(1) <i>Item No.</i>	(2) <i>Regulation</i>	(3) <i>Subject Matter</i>	(4) <i>Extent</i>
20	21	Obligatory lamps, reflectors, rear markings and devices	Except in so far as the regulation relates to dim-dip devices, running lamps, front fog lamps, reversing lamps and warning beacons
21	23	Optional lamps, reflectors, rear markings and devices	In so far as the regulation relates to headlamps fitted to motor vehicles, direction indicators, rear fog lamps, stop lamps, side marker lamps and rear markings
22	26	Maintenance of lamps, reflectors, rear markings and devices	Except in so far as the regulation relates to dim-dip devices, running lamps, front fog lamps, reversing lamps and warning beacons

3. The requirements contained in the following provisions of the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973(b):

(1) <i>Item No.</i>	(2) <i>Regulation</i>	(3) <i>Subject Matter</i>
23	18, 19, 20 and 21	Registration marks

4. The requirements, in so far as they relate to the installation of recording equipment in Article 3 and the seals to be affixed to such equipment in Article 12 and paragraph 4 of Section V of Annex 1 of the Community Recording Equipment Regulation (as defined in Article 53 of the 1995 Order).

#### PART II

5. (a) The construction and use requirements specified in items 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16 and 18 of the Table in paragraph 1.

(a) S.R. 1995 No. 449

(b) S.R. & O. (N.I.) 1973 No. 490; relevant amending Regulations are S.I. 1976/2180

- (b) The requirements of the Road Vehicles Lighting Regulations (Northern Ireland) 1995 specified in items 20 and 22 of the Table in paragraph 2.
- (c) The requirements of the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973 specified in paragraph 3.

## PART III

6. The requirements of this Part, in relation to a vehicle, are that the condition of the vehicle is such that its use on a road would not involve a danger of injury, to any person having regard in particular to items of the following descriptions—

- spare wheel carrier;
- trailer coupling on a motor vehicle;
- coupling on a trailer;
- the chassis;
- electrical wiring and equipment;
- landing legs;
- engine and transmission mountings;
- fuel tanks and system;
- transmission shafts and associated equipment;
- exhaust system;
- battery;
- wheels and hubs;
- suspension system;
- axles and steering gear;
- shock absorbers;
- bumpers;
- wings;
- the cab;
- driving seat;
- the body;
- driver's controls;
- cab step or step rings;
- glass or other transparent material in windscreen or windows;
- doors, locks and hinges.

FORM OF GOODS VEHICLE TEST CERTIFICATE

Road Traffic (Northern Ireland) Order 1995

Goods Vehicle Test Certificate  
No.

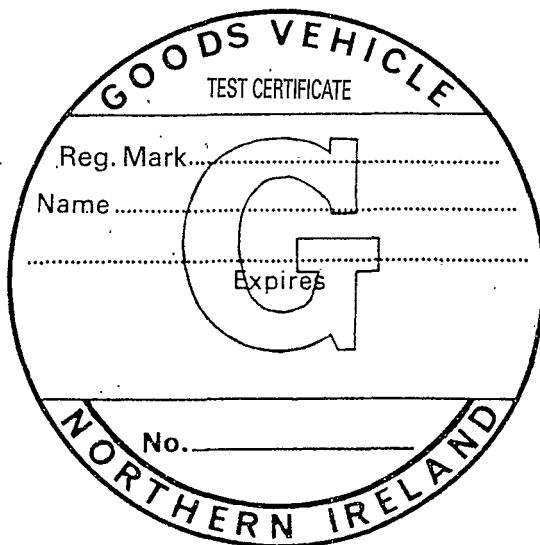
PART 1

Name .....  
of  
Owner

Date of Issue..... Expires .....

Registration Mark..... Issued by .....

PART 2





**Goods Vehicle Test Certificate  
No.**

PART 3

The vehicle of which the registration mark or serial number

is .....

has been examined under Article 65 of the Road Traffic (Northern Ireland) Order 1995 and in accordance with the regulations made under that Article, it is hereby certified that the vehicle was found to comply with the statutory requirements prescribed under that Article.

Expiry Date .....

Signed .....

Appointed by the Department of the Environment for Northern Ireland to carry out the examination.

ISSUED BY THE DRIVER & VEHICLE TESTING AGENCY, AN  
AGENCY WITHIN THE DEPARTMENT OF THE ENVIRONMENT

**Please Retain this Portion to produce with Application for a  
Road Fund Licence (Motor Tax)**

**Regulations revoked**

<i>Title</i>	<i>Year and Number</i>
Goods Vehicles (Certification) Regulations (Northern Ireland) 1990	S.R. 1990 No. 224
Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1991	S.R. 1991 No. 355
Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1993	S.R. 1993 No. 78
Goods Vehicles (Certification) (Amendment No. 2) Regulations (Northern Ireland) 1993	S.R. 1993 No. 424
Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1994	S.R. 1994 No. 54
Goods Vehicles (Certification) (Fees) (Amendment) Regulations (Northern Ireland) 1994	S.R. 1994 No. 410
Goods Vehicles (Certification) (Fees) (Amendment) Regulations (Northern Ireland) 1995	S.R. 1995 No. 155

**EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

These Regulations revoke the Goods Vehicles (Certification) Regulations (Northern Ireland) 1990 as amended, and make fresh provision for the testing of goods vehicles in Northern Ireland, upon the introduction of new provisions in the Road Traffic (Northern Ireland) Order 1995.

The principal changes are—

1. The statutory requirements for goods vehicles having a maximum gross weight of 3,500 kilograms or under, and those having a maximum gross weight over 3,500 kilograms, are specified separately (regulation 2(1) and Schedule 3).
2. Electrically propelled vehicles, which are currently required to have a goods vehicle certificate, shall be exempt from that requirement (regulation 3 and Schedule 2 — item 10).
3. A new provision requires the person who drove the vehicle to an examination to be present throughout the whole examination and to drive the vehicle as directed by the examiner. Failure to comply with this requirement is an offence punishable by a fine of level 3 on the standard scale (currently £1,000) (regulation 5).

4. The conditions of acceptance of a vehicle for examination are more comprehensive and provide that an examiner shall be under no obligation to accept a vehicle for examination in a much wider range of circumstances (previously the only condition was that the vehicle had to be presented for examination in a clean condition together with the registration book and previous certificate, if any) (regulation 6).
5. The Regulations differentiate between goods vehicles having a maximum gross weight of 3,500 kilograms or under and those having a maximum gross weight over 3,500 kilograms for the purposes of the dates by which vehicles are to be submitted for first tests. A goods vehicle having a maximum gross weight over 3,500 kilograms will continue to be tested on the first anniversary of the date on which it was first registered (regulation 7(1)).
6. From 1st April 1996, a goods vehicle having a maximum gross weight of 3,500 kilograms or under, is to be tested on the third anniversary of the date on which it was first registered (previously such vehicles were tested on the first anniversary of registration) (regulation 7(3)).
7. An application for a test of a vehicle shall be made at least 6 weeks before the date on which the vehicle is to be tested (previously this was two months) (regulation 11).
8. A new provision enables anyone aggrieved by a determination made on a test of a vehicle, to appeal to the Department (regulation 17).

The Regulations set out in Schedule 5 are revoked as a consequence of these Regulations (regulation 27).

Any person who acts in contravention of the Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).