
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART IV

DRIVER AND VEHICLE TESTING

Display of test certificates

41. After Article 63 of the Order of 1995 (obligatory test certificates) insert—

“Display of test certificates

63A. A person who—

- (a) uses on a road or other public place at any time, or
- (b) causes or permits to be so used,

a motor vehicle to which Article 63 applies and on which there is not displayed a test certificate in accordance with regulations made under Article 62(g), is guilty of an offence.”.

Vehicles modified to run on fuel stored under pressure

42.—(1) Article 55 of the Order of 1995 (regulation of construction, weight, equipment and use of vehicles) is amended as follows—

(a) in paragraph (2) after sub-paragraph (b) insert—

“(ba) the modification of motor vehicles to enable them to be propelled using fuel stored under pressure;”;

(b) after that paragraph insert—

“(2A) Regulations under this Article with respect to the modification of motor vehicles to enable them to be propelled using fuel stored under pressure may include provision—

- (a) as to the examination, by persons authorised in accordance with regulations, of motor vehicles that have been so modified, the issuing of certificates by them in respect of such vehicles and the making of charges by them;
- (b) requiring authorised persons to notify the Department of any such examinations carried out by them;
- (c) as to appeals against any decision by an authorised person not to issue a certificate;
- (d) as to applications to the Department for authorisation and charges in connection with them;
- (e) imposing or providing for the imposition of conditions to be complied with by authorised persons;
- (f) as to the withdrawal of authorisations.”.

(2) In Article 72 of the Order of 1995 (regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions) after paragraph (8) insert—

“(8A) The Department may by regulations provide, in relation to vehicles required to be examined and certified by regulations under Article 55(2A), that the first licence for such a vehicle under the Vehicle Excise and Registration Act 1994 for a period after the requirement applies to the vehicle is to be granted only if evidence is provided that a certificate has been issued in accordance with those regulations.”.

Testing of vehicles

43.—(1) In the heading to Article 76 of the Order of 1995 and in the cross heading immediately before it for “public passenger vehicles and goods vehicles” substitute “vehicles”.

(2) After paragraph (4) insert—

(4A) Paragraphs (5) to (8) of Article 75 apply in relation to an inspection under this Article as they apply in relation to a test under paragraph (1) of that Article, but—

- (a) with the substitution for references to an authorised examiner of references to a vehicle examiner; and
- (b) with the substitution for references to test and testing of references to examination and examining.

(3) In paragraph (6) of that Article—

(a) after sub-paragraph (c) insert—

“(d) a motor car;”;

(b) after “within sub-paragraph (c)” insert “or (d)”.

(4) In Article 75 at the end add—

“(12) In its application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this Article shall have effect as if any reference to construction and use requirements included a reference to requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.”.

Tests of competence to drive

44.—(1) In Article 5(3) of the Order of 1981 (regulations about nature of tests)—

(a) at the end of sub-paragraph (a) insert “and the administrative arrangements for submitting for such tests,”;

(b) in sub-paragraph (b), after “conducted” insert “conditions which must be satisfied during the currency of an appointment, the charging of reasonable fees in respect of applications for appointment or appointments or in connection with any examination or assessment which may be required before appointment or during the currency of any appointment”, and 9

(c) after sub-paragraph (b) insert—

“(ba) the duty of a person submitting himself for a test to produce, and in prescribed circumstances surrender, any licence previously granted to him,”.

(2) In Article 5(4) of the Order of 1981 (provision that may be included in regulations under paragraph (3))—

- (a) in sub-paragraph (a) (provision by person submitting himself for driving test of vehicle which, if loading requirements are prescribed, is loaded in accordance with prescribed requirements) for “a vehicle” substitute “a safe and suitable vehicle”;
- (b) in that sub-paragraph for the words after “the test” substitute “and for requiring that, if the vehicle is a vehicle of a prescribed description, it has been certified in the prescribed manner after a prescribed inspection as satisfying such requirements as may be prescribed.”;
- (c) for sub-paragraph (b) substitute—
 - “(b) for the charging (whether on the making of an appointment for a test or otherwise) of reasonable fees for or in connection with the test and any inspection of a vehicle required by regulations under paragraph (a) in relation to the test.”.
- (3) In Article 5(5) of the Order of 1981 (driving tests in parts) omit sub-paragraph (b) and the word “and” immediately before it.
- (4) After Article 5(5) insert—
 - “(5ZA) Regulations under paragraph (3)(b) may in particular provide—
 - (a) for the supply by the Department to persons by whom tests of competence to drive, or parts of such tests, may be conducted of forms for certificates evidencing the results of such tests or parts of such tests, and
 - (b) for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Department by the regulations.”.
- (5) In Article 8 of the Order of 1981 (repayment of fees) for “A fee” substitute “The whole or any part of a fee”.

Approved test assistants

- 45.** After Article 8 of the Order of 1981 insert—

“Approved test assistants

8A.—(1) The Department may make regulations permitting any person wishing to be accompanied at a relevant test by another person (a “test assistant”) to be so accompanied if—

- (a) he submits himself for the relevant test in any circumstances in which the Department considers it appropriate that he should be entitled to be so accompanied; and
- (b) the test assistant is approved in accordance with regulations made under this Article to accompany people at relevant tests in such circumstances in order to assist them in undergoing the relevant tests.

(2) The circumstances in which the Department considers it appropriate that a person should be entitled to be accompanied by a test assistant at a relevant test may include, for example, circumstances in which he is likely to have difficulty in hearing, understanding or responding to instructions or questions in the course of the relevant test without assistance.

(3) The regulations may make provision in relation to the approval of test assistants and may, in particular, include provision—

- (a) in relation to the making of applications for approval;
- (b) for the payment in respect of applications for approval, or in connection with approvals, of fees of a prescribed amount;

- (c) in relation to the period for which an approval is to have effect and withdrawing approval;
 - (d) authorising the imposition of conditions on an approval;
 - (e) for an appeal to lie to a court of summary jurisdiction acting for the petty sessions district in which the person resides against a refusal of an application for approval, the imposition of conditions on an approval or the withdrawal of approval;
 - (f) prescribing circumstances in which an approved test assistant may not act as such;
 - (g) as to the evidencing by persons of their status as approved test assistants;
 - (h) authorising the Department to make available (with or without charge) information about approved test assistants.
- (4) In this Article “relevant tests” means—
- (a) tests of competence to drive a motor vehicle prescribed by virtue of Article 5(3) of this Order or Article 41(5) of the Offenders Order;
 - (b) examinations of ability and fitness (or continued ability and fitness) to give driving instruction for which provision is made by virtue of Article 62 of the Order of 2007;
 - (c) emergency control assessments under Article 65 of the Order of 2007.”.