STATUTORY RULES OF NORTHERN IRELAND

2018 No. 85

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles Testing (Amendment) Regulations (Northern Ireland) 2018

Made - - - -	*13th April 2018*
Coming into operation	*20th May 2018*

The Department for Infrastructure(**1**) makes the following Regulations in exercise of the powers conferred by Articles 61(2) and (6), 62, 63(1) and (5) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(**2**)and now vested in it(**3**).

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles Testing (Amendment) Regulations (Northern Ireland) 2018 and shall come into operation on 20th May 2018.

Amendment of the Motor Vehicles Testing Regulations (Northern Ireland)

2.—(1) The Motor Vehicles Testing Regulations (Northern Ireland) 2003(**4**) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation) omit the definitions of—

(a) "break-down vehicles";

(b) "road construction vehicles"; and

(c) "tower wagon".

(3) In regulation 5 (classification of vehicles and application of regulations)—

(a) for paragraph (1) substitute—

"(1) For the purposes of these Regulations motor vehicles to which they apply are classified as follows—

(**1**) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved

(**2**) S.I. 1995/2994 (N.I. 18)

(**3**) See Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(**4**) S.R. 2003 No. 303 relevant amending Regulations are S.R. 2005 No. 409, S.R. 2006 No. 494, S.R. 2007 No. 98, S.R. 2008 No. 109, S.R. 2012 No. 148, S.R. 2013 No. 217, S.R. 2013 No. 286, S.R. 2015 No.41 and S.R. 2016 No. 343

(a) Class I: light motor bicycles in EU categories L1e, L3e and L4e;

(b) Class II: motor bicycles in EU categories L3e and L4e;

(c) Class III: light motor vehicles in EU categories L2e and L5e;

(d) Class IV: motor cars and heavy motor cars, dual purpose vehicles and motor vehicles in EU categories L5e, L6e, L7e, M1, M2, M3 not being vehicles in Classes III, V, VA, VI, or VIA;

(e) Class V: motor vehicles in EU categories M2 and M3 not being vehicles within Class VA, VI or VIA which are—

(i) large passenger carrying vehicles;

(ii) play buses; and

(iii) ambulances with more than 16 seats in addition to the driver;

(f) Class VA: motor vehicles, other than vehicles to which paragraph (3) applies, in EU categories M2 and M3 which are—

(i) large passenger carrying vehicles;

(ii) play buses; and

(iii) ambulances with more than 16 seats in addition to the driver,

in respect of which any forward facing seat is fitted with a relevant seat belt;

(g) Class VI: motor vehicles in EU categories M2 and M3 which are—

(i) minibuses, and

(ii) ambulances with more than 8 seats but not more than 16 seats in addition to the driver; and

(h) Class VIA: motor vehicles, other than vehicles to which paragraph (3) applies, in EU categories M2 and M3 which are—

(i) minibuses, and

(ii) ambulances with more than 8 seats but not more than 16 seats in addition to the driver,

in respect of which any forward facing seat is fitted with a relevant seatbelt.".

(b) after paragraph (4) insert—

"(5) In this regulation references to vehicles in EU categories—

(a) L1e to L7e are to those categories as described in Annex 1 to Regulation (EU) 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two or three wheeled vehicles and quadricycles(**5**); and

(b) M1 to M3, are to those categories as described in Annex 2 to Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers and of the systems, components and separate technical units intended for such vehicles(**6**).".

(**5**) OJ No L60, 2.3.2013, p52

(**6**) OJ No L 263, 9.10.2007, p1. The Directive has been amended by Commission Regulation (EC) No. 1060/2008 of 7 October 2008 (OJ No. L292 1, 31.10.2008), Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 1, 4.2.2009), Regulation (EC) No. 79/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 32, 4.2.2009), Commission Regulation (EC) No. 385/2009 of 7 May 2009 (OJ No. L 118 13, 13.5.2009), Regulation (EC) No. 661/2009 of the European Parliament and of the Council of 13 July 2009 (OJ No. L200 1, 31.7.2009), Commission Directive 2010/19/EU of 9 March 2010 (OJ L72 17, 20.3.2010) and Commission Regulation (EU) No. 371/2010 of 16 April 2010 (OJ L110 1, 1.5.2010) and by Commission Regulation (EU) No. 678/2011 of 14 July 2011 (OJ L185 30, 15.7.2011) which replaced Annex 2

(4) In regulation 6(1) (exemptions)—

(a) in sub-paragraph (xvii), for paragraph (b) substitute—

"(b) a vehicle which has an inside track width of not more than 1100 millimetres;";

(b) omit sub-paragraph (xix);

(c) omit sub-paragraph (xxi);

(d) at the end of sub-paragraph (xxii) omit the full stop and add "; and"; and

(e) after sub-paragraph (xxii) add—

"(xxiii) a vehicle which is incapable, by reason of its construction, of exceeding a speed of 15.5 miles per hour on the level under its own power.".

(5) In Regulation 11 (application for re-examination)—

(a) for paragraph (4) substitute—

"(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-examination no later than sixty days from the date of notification of refusal as in paragraph (1) on a date and time appointed by the Department, the fee payable is the appropriate fee determined in accordance with paragraph 2 of Schedule 1."; and

(b) for paragraph (5) substitute—

"(5) 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-examination no later than sixty days from the date of notification of refusal as in paragraph (1) on a date and time appointed by the Department, and some or all of the statutory requirements which were not complied with in the original examination relate to item 34 in paragraph 5(c) of Schedule 2, the fee payable is the appropriate fee determined in accordance with paragraph 3 of Schedule 1.".

(6) In regulation 14 (form of test certificates and notices of refusal) for the term "be in the form" substitute "include the information".

(7) In regulations 23 (computation of time) for "11(4)" substitute "11(4) and (5)".

(8) In Schedule 2 (the prescribed statutory requirements for vehicles)—

(a) in paragraph 1(a)—

(i) after item 1 in the table insert—

"1A	27	Springs and Resilient Material"; and

(ii) after item 10 in the table insert—

"10A	115 (insofar as it relates to the condition of the vehicle structure, the chassis, frame and any subframe or any mounting or connection or part of the suspension, to the extent that such condition may prejudice the steering of braking of the vehicles)	Structure and Suspension";