STATUTORY RULES OF NORTHERN IRELAND

2003 No. 304

ROAD TRAFFIC AND VEHICLES

Goods Vehicles (Testing) Regulations (Northern Ireland) 2003

Made - - - -	*13th June 2003*
Coming into operation	*1st August 2003*

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(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003.

(2) These Regulations shall come into operation on 1st August 2003.

Interpretation

2.—(1) In these Regulations –

"the 1994 Act" means the Vehicle Excise and Registration Act 1994(**2**);

"the 1995 Order" means the Road Traffic (Northern Ireland) Order 1995;

"the 1997 Order" means the Road Traffic Regulation (Northern Ireland) Order 1997(**3**);

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**4**);

"agricultural motor vehicle", "agricultural trailer", "agricultural trailed appliance", "agricultural trailed appliance conveyor", "articulated vehicle", "converter dolly",

(**1**) S.I.1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "the Department" and "prescribed"
(**2**) 1994 c. 22
(**3**) S.I. 1997 No. 276 (N.I. 2)
(**4**) S.R. 1999 No. 454; relevant amending Regulations are S.R. 2001 No. 173

"registered", "rigid vehicle", "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

(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(**5**);

"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

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

(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;

"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(**6**);

"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.

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

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 (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 be submitted for a first test no later than the end of the month in which falls the third anniversary of the date on which it was registered.

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(**7**), shall be submitted for a periodical test on

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