STATUTORY RULES OF NORTHERN IRELAND

2003 No. 303

ROAD TRAFFIC AND VEHICLES

Motor Vehicle 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 61(2) and (6), 62, 63(5), (6) and (7), 72(1) and (2), 75(8), 81(8) and (9) 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. These Regulations may be cited as the Motor Vehicle Testing Regulations (Northern Ireland) 2003 and 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 Order" means the Road Traffic (Northern Ireland) Order 1995;

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**3**);

"the Lighting Regulations" means the Road Vehicles Lighting Regulations (Northern Ireland) 2000(**4**);

(**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.R. 1999 No. 454; relevant amending Regulations are S.R. 2001 No. 173
(**4**) S.R. 2000 No. 169

"agricultural motor vehicle", "articulated bus", "articulated vehicle", "minibus", "pedestrian controlled vehicle", "rigid vehicle", "track laying" and "works truck" have the meanings given by regulation 2(l) of the Construction and Use Regulations;

"ambulance" means a motor vehicle which is constructed or adapted, and primarily used, for the carriage of persons to a place where they will receive, or from a place where they have received, medical or dental treatment, and which, by reason of design, marking or equipment is readily identifiable as a vehicle so constructed or adapted.

"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;

"child restraint", "disabled person's belt", "forward-facing seat" and "seat belt" have the meanings given by regulation 55(11) of the Construction and Use Regulations;

"Community Recording Equipment Regulation" has the meaning given in Article 53 of the Order;

"dual-purpose vehicle" has the meaning given by Article 2(2) of the Order of 1981;

"examination" means an examination of a motor vehicle for the purposes of Article 61 of the Order;

"large passenger-carrying vehicle" means a motor vehicle which is constructed or adapted to carry more than twelve seated passengers in addition to the driver, and which is not a public service vehicle;

"light motor bicycle" means a motor bicycle of which the cylinder capacity of the engine does not exceed 200 cubic centimetres;

"light motor vehicle" means a motor vehicle with three wheels the unladen weight of which does not exceed 450 kilograms;

"motor bicycle" means a two-wheeled motor cycle, whether having a sidecar attached to it or not;

"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 playthings for children (including articles required in connection with the use of those things);

"the prescribed statutory requirements" has the meaning given by regulation 3(1);

"public service vehicle" has the meaning given by Article 2(2) of the Order of 1981(**5**);

"road construction vehicle" means a motor 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;

"taxi" has the meaning given by Article 79A of the Order of 1981(**6**);

"tower wagon" means either –

(**5**) Article 2(2) was amended by S.I. 1981/1117 (N.I. 24), Art. 3
(**6**) Article 79A was inserted by Part II of Sch. 3 to S.I. 1991/197 (N.I. 3)

(a) a vehicle 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 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) a vehicle 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 which is not constructed or adapted for use, or used, for the conveyance of any load other than –

(i) such a device or articles used in connection with it, or

(ii) 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;

"vehicle testing centre" has the meaning given by Article 73 of the Order.

(2) For the purposes of these Regulations the unladen weight of a vehicle shall be computed in accordance with Article 2(3) of the Order of 1981.

(3) In calculating for the purposes of the definition of "large passenger-carrying vehicle" the number of seated passengers which the vehicle is constructed or adapted to carry a length of at least 400 millimetres measured horizontally along the front of each seat shall be allowed for the accommodation of each such passenger. Where a continuous seat is fitted with arms for the purpose of separating the seating spaces and the arms are so constructed that they can be folded back or otherwise put out of use, the seat shall be measured for the purposes of this paragraph as though it were not fitted with arms.

(4) For the purposes of these Regulations the provisions of regulation 2(4) of the Construction and Use Regulations shall apply for determining when a motor vehicle is first used.

The prescribed statutory requirements

3.—(1) The prescribed statutory requirements for the purposes of Article 61(1)(a) of the Order are in relation to any vehicle in a Class specified in an item in column 2 of the Table, the requirements specified in that item in column 3 of the Table, and in these Regulations those requirements are referred to as "the prescribed statutory requirements".

TABLE

(1) *Item*	(2) *Class*	(3) *Requirement*
1	I and II	Paragraph 1 of Schedule 2
2	III	Paragraph 2 of Schedule 2
3	IV	Paragraph 3 of Schedule 2
4	V	Paragraph 4 of Schedule 2
5	VA	Paragraph 5 of Schedule 2
6	VI	Paragraph 6 of Schedule 2
7	VIA	Paragraph 7 of Schedule 2

(2) Subject to the provisions of these Regulations, every vehicle to which these Regulations apply and which is submitted for examination in accordance with the provisions of these Regulations shall

be examined for the purpose of ascertaining whether those of the prescribed statutory requirements which are applicable to the vehicle have been complied with at the date of the examination.

Condition of vehicles

4. For the purposes of Article 61(1)(b) of the Order the requirement in relation to a vehicle to which these Regulations apply is that the condition of the vehicle should not be such that its use on a road would involve a danger of injury to any person, having regard, in particular, to the items described in Schedule 3, and in these Regulations that requirement is referred to as "the condition requirement".

Classification of vehicles and application of Regulations

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

Class I: Light motor bicycles.

Class II: Motor bicycles.

Class III: Light motor vehicles other than motor bicycles.

Class IV: Motor cars and heavy motor cars;

(a) Motor cars and heavy motor cars not being vehicles within Classes III, V, VA, VI or VIA;

(b) Break-down vehicles;

(c) Road construction vehicles;

(d) Tower wagons; and

(e) Dual-purpose vehicles.

Class V: Motor vehicles not being vehicles within Class VA, VI or VIA which are –

(a) Large passenger-carrying vehicles;

(b) Ambulances with more than 16 seats in addition to the driver; and

(c) Play buses.

Class VA: Motor vehicles, other than vehicles to which paragraph (3) applies, which are –

(a) Large passenger-carrying vehicles;

(b) Ambulances with more than 16 seats in addition to the driver; and

(c) Play buses;

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

Class VI: Motor vehicles which are –

(a) Minibuses; and

(b) Ambulances with more than 8 but not more than 16 seats in addition to the driver.

Class VIA: Motor vehicles, other than vehicles to which paragraph (3) applies which are –

(a) Minibuses; and

(b) Ambulances with more than 8 but not more than 16 seats in addition to the driver;

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

(2) Save as provided in regulation 6, these Regulations apply to every vehicle of a class specified in paragraph (1).

(3) This paragraph applies to vehicles, in respect of which –

(a) a public service vehicle licence which includes an examination of the relevant seat belts has been issued on or after 19th June 2000; or

(b) a test certificate which includes an examination of the relevant seat belts has been issued under section 45 of the Road Traffic Act 1988(**7**) on or after 1st August 1998; or

(c) a certificate of initial fitness which includes an examination of the relevant seat belts has been issued on or after 1st August 1998; or

(d) one or more forward-facing seats are fitted with a relevant seat belt, which, when so equipped, are of a type of vehicle in respect of which the Department is satisfied that the vehicle manufacturer holds –

(i) an approval issued by or on behalf of the approval authority of an EEA State confirming compliance with the installation requirements of Community Directives 77/541(**8**), 82/319(**9**), 90/628(**10**), or 96/36(**11**); and

(ii) either –

(A) an approval issued by or on behalf of the approval authority of an EEA State confirming compliance with the technical and installation requirements of Community Directives 76/115(**12**), 81/575(**13**), 82/318(**14**), 90/629(**15**), or 96/38(**16**); or

(B) an approval issued by or on behalf of the competent authority of a contracting State confirming compliance with the technical and installation requirements of ECE Regulation 14, 14.01, 14.02 or 14.03.

(4) In this regulation –

"approval authority" has the same meaning as in Community Directive 70/156(**17**);

"certificate of initial fitness" has the same meaning as in section 6 of the Public Passenger Vehicles Act 1981(**18**);

"contracting State" means a State which is a party to the International Agreement;

"EEA State" means a State which is a contracting party to the EEA Agreement;

"EEA Agreement" means the agreement on the European Economic Area signed at Oporto on 2nd May 1992(**19**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**20**);

"ECE Regulation" and "Community Directive" have the meanings given by regulation 2(2) of the Construction and Use Regulations;

"the International Agreement" means the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 25th March 1958(**21**) as amended(**22**) to which the United Kingdom is a party(**23**); and

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(**7**) 1988 c. 52
(**8**) O.J. No. L220, 29.8.77, p. 95
(**9**) O.J. No. L139, 19.5.82, p. 17
(**10**) O.J. No. L341, 6.12.90, p. 1
(**11**) O.J. No. L178, 17.7.96, p. 15
(**12**) O.J. No. L24, 30.1.76, p. 6
(**13**) O.J. No. L209, 29.7.81, p. 30
(**14**) O.J. No. L319, 19.5.82, p. 9
(**15**) O.J. No. L341, 6.12.90, p. 14
(**16**) O.J. No. L187, 26.7.96, p. 95
(**17**) O.J. No. L42, 23.2.70, p. 1
(**18**) 1981 c. 14; section 6(1)(a) was amended by paragraph 14 of Schedule 4 to the Road Traffic Act 1991 (c. 40)
(**19**) Cmnd 2073
(**20**) Cmnd 2183
(**21**) Cmnd 2535
(**22**) Cmnd 3562