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:

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

PART I

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 conveyor", "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;

(**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

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