1995 No. 448

ROAD TRAFFIC AND VEHICLES

Motor Vehicle Testing Regulations (Northern Ireland) 1995

Made . . . . . *4th December 1995*

Coming into operation . . *24th January 1996*

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement
2. Interpretation
3. The prescribed statutory requirements
4. Condition of vehicles
5. Classification of vehicles and application of Regulations
6. Exemptions

PART II

EXAMINATIONS

7. Manner of making applications for examinations, and fees
8. Time of application for tests
9. Notice of place and time of examinations
10. Application for re-examinations
11. Examinations, and issue of test certificates (or notices of refusal)
12. Re-examination procedure, and issue of test certificates (or notices of refusal)
13. Form of test certificates and notices of refusal
14. Removal of vehicle submitted for examination

PART III

APPEALS

15. Appeal on refusal of a test certificate
16. Repayment of fee on appeal

PART IV

OTHER MATTERS

17. Duplicate test certificates
18. Suspension or revocation of test certificates
19. Production of test certificate on application for licence
20. General provisions as to repayment of fees
21. Fee payable for test under Article 75(5) or inspection under Article 81 of the Order
22. Computation of time
23. Revocation

SCHEDULES *Page*

1. Fees 14
2. The prescribed statutory requirements 15
3. Condition of vehicles 18
4. Regulations revoked 19

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(**a**) 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) 1995 and 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(**b**);

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

(**a**) S.I. 1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "the Department" and "prescribed"
(**b**) 1994 c. 22

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**a**);

"the Lighting Regulations" means the Road Vehicles Lighting Regulations (Northern Ireland) 1995(**b**);

"agricultural motor vehicle", "articulated bus", "articulated vehicle", "minibus", "pedestrian controlled vehicle", "track laying" and "works truck" have the meanings given by 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;

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

"design gross weight" means—

(*a*) in the case of a vehicle which is equipped with a plate in accordance with regulation 68 of the Construction and Use Regulations, the maximum gross weight shown on the plate in respect of item 7 of Part I of Schedule 7 to those Regulations; and

(*b*) in any other case, the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;

"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);

(**a**) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1991 No. 147, 1991 No. 420, 1992 No. 54, 1992 No. 111, 1992 No. 373, 1992 No. 509, 1993 No. 39, 1993 No. 247, 1994 No. 231, 1994 No. 353, 1994 No. 452 and 1995 No. 94

(**b**) S.R. 1995 No. 449

"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(**a**);

"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(**b**);

"tower wagon" means either—

(*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.

(**a**) Article 2(2) was amended by S.I. 1981/1117 (N.I. 24), Art. 3

(**b**) Article 79A was inserted by Part II of Sch. 3 to S.I. 1991/197 (N.I. 3)

(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

(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 it is 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: (*a*) Motor cars and heavy motor cars not being vehicles within Classes III or V

(*b*) Break-down vehicles