1990 No. 224

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

Goods Vehicles (Certification) Regulations (Northern Ireland) 1990

Made	*7th June 1990*
Coming into operation . .	*16th July 1990*

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The Department of the Environment, being a department designated(**a**) for the purpose of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation and supervision of working conditions of persons engaged in road transport, the regulation of the type, description, construction or equipment of vehicles and the testing of the roadworthiness of motor vehicles and their trailers, in exercise of the powers conferred by that section, and in exercise of the powers conferred on it by Articles 2(2)(**c**), 53(3), 54, 58(1), 80 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**d**) and of every other power enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**e**) as regards regulations 7, 8 and 9(1), makes the following Regulations:

(**a**) S.Is. 1975/1707, 1972/1811 and 1977/1718
(**b**) 1972 c. 68
(**c**) *See* the definition of "Department"
(**d**) S.I. 1981/154 (N.I. 1)
(**e**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Certification) Regulations (Northern Ireland) 1990 and shall come into operation on 16th July 1990.

Interpretation

2.—(1) In these Regulations—

"agricultural motor vehicle", "agricultural trailer", "agricultural trailed appliance", "converter dolly", "engineering plant", "living van", "pedestrian-controlled vehicle", "semi-trailer", "straddle carrier", "track-laying", "unladen weight", "works trailer" and "works truck" have the meanings respectively assigned to those expressions in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**a**);

"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;

"centre" means a vehicle inspection centre of the Department used by an inspector of vehicles for the examination of vehicles;

"certificate" means a goods vehicle certificate granted under Article 54 of the Order;

"the Community Recording Equipment Regulation" means Council Regulation (EEC) No. 3821/85 of 20th December 1985 on recording equipment in road transport(**b**) as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 1987(**c**);

"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);

(**a**) S.R. 1989 No. 299
(**b**) O.J. No. L370, 31.12.85, p. 8
(**c**) S.R. 1987 No. 218; as amended by S.R. 1988 No. 297

"mobile crane" means a vehicle designed and constructed as a mobile crane which—

(*a*) is used on public roads only either as a crane in connection with work being carried on on a site in the immediate vicinity or for the purpose of proceeding to and from a place where it is to be used as a crane, and

(*b*) when so proceeding neither carries nor hauls any load other than is necessary for its propulsion or equipment;

"the Order" means the Road Traffic (Northern Ireland) Order 1981;

"owner" means the person to whom a certificate is granted or transferred by the Department;

"play bus" means a vehicle which was originally constructed to carry more than 12 passengers but which has been adapted for the carriage of play things for children (including articles required in connection with the use of those things);

"road construction vehicle" means a vehicle constructed or adapted for use for the conveyance of built-in road construction machinery and not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of that machinery;

"tower wagon" means a vehicle—

(*a*) into which there is built, as part of the vehicle, any expanding or extensible contrivance designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment, and

(*b*) which is neither constructed nor adapted for use, nor used, for the conveyance of any load, except such a contrivance and articles used in connection therewith;

"vehicle" means a goods vehicle.

(2) The Interpretation Act (Northern Ireland) 1954(**a**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

PART II

APPLICATIONS

Application for certificate

3.—(1) An application for a certificate shall be made to the Department, on a form issued by the Department, at least two months before the date on which the certificate is to have effect.

(2) The applicant shall furnish all relevant particulars and make any relevant declaration specified in such form.

(3) Each application for a certificate shall be accompanied by the appropriate fee as prescribed in Part I of the Table to regulation 7.

(**a**) 1954 c. 33 (N.I.)

(4) Where an application is made by—

(*a*) a body corporate with its principal or registered office outside Northern Ireland; or

(*b*) a person residing outside Northern Ireland,

the applicant shall satisfy the conditions specified in paragraph (5).

(5) The conditions mentioned in paragraph (4) are that the applicant shall—

(*a*) have and retain during the currency of the certificate a place of business in Northern Ireland;

(*b*) undertake to accept service, at such place, of any summons or other document relating to any matter or offence arising in Northern Ireland in connection with the vehicle for which the certificate is applied for;

(*c*) undertake to appear at any court as required by such summons or other document; and

(*d*) admit and submit to the jurisdiction of the court relative to the subject matter of such summons or other document.

(6) Any non-performance of an undertaking required under paragraph (5) shall operate as an immediate revocation of a certificate.

Examination of vehicle and grant of certificate

4.—(1) The applicant shall, on being notified in writing by the Department, present the vehicle for examination in reasonably clean condition together with the registration book and previous certificate, if any, at the time and centre specified in the notice.

(2) A notice in respect of a trailer shall show the identification mark allotted by the Department prior to its first examination and the said mark shall, when the trailer is presented for examination, be permanently affixed to the chassis of the main structure of the trailer in a conspicuous and easily accessible position so as to be readily legible.

(3) Where after examining the vehicle the Department is satisfied that it complies with—

(*a*) the statutory requirements relating to the construction and condition of motor vehicles, their accessories and equipment; and

(*b*) as regards a vehicle in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, the requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be affixed to such equipment,

it shall grant a certificate.

(4) For the purposes of paragraph (3), the examination shall include the items in Schedule 2 applicable to the vehicle being examined.

Refusal of certificate

5.—(1) Where the Department is not satisfied under regulation 4(3) it shall serve written notice on the applicant stating the reasons for refusal to grant a certificate.