1989 No. 363

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations (Northern Ireland) 1989

Made . . . . . *5th September 1989*

Coming into operation . . *16th October 1989*

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The Department of the Environment, in exercise of the powers conferred on it by Article 31D(1) and (2) of the Road Traffic (Northern Ireland) Order

1981(**a**) and the powers conferred by section 56(1), (2) and (5) of the Finance Act 1973(**b**) and with the consent of the Department of Finance and Personnel(**c**) and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations (Northern Ireland) 1989 and shall come into operation on 16th October 1989.

Interpretation

2.—(1) In these Regulations—

"applicant" means an applicant for the issue of a type approval certificate or authorisation for a vehicle or vehicle part for the purpose of a Community Instrument, an applicant for the issue of a type approval certificate or Department's approval certificate for a vehicle or vehicle part for the purpose of the Northern Ireland type approval scheme;

"approval mark" means a marking designated as an approval mark by the Motor Vehicles (Designation of Approval Marks) Regulations 1979(**d**);

"approval requirements" means—

(*a*) the requirements for examination and approval as regards the type approval requirements specified in—

(i) a Community Instrument, and

(ii) Schedule 1 to the Northern Ireland Regulations; or

(*b*) the requirements for examination and marking authorisation relating to a marking designated as an approval mark;

"approved premises" means premises established or approved by the Department for the examination of vehicles or vehicle parts for the purposes of the Northern Ireland type approval scheme or for the purpose of a Community Instrument or ECE Regulation;

"authorisation" means an authorisataion in writing given by the Department for the application of an approval mark to a vehicle or vehicle part;

"Community Instrument" means a Council Regulation, a Council or Commission Directive being a Regulation or Directive mentioned in column 2(*b*) of Schedule 1 or in an item in a Schedule to the Northern Ireland Regulations or the Type Approval (EEC) Regulations;

"ECE Regulation" means a Regulation annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof

(a) S.I. 1981/154 (N.I. 1) as amended by S.I. 1985/755 (N.I. 6)
(b) 1973 c. 51
(c) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3
(d) S.I. 1979/1088 as amended by S.Is. 1980/582 and 2027, 1981/126 and 1732, 1982/1479, 1983/1602, 1985/113 and 1986/369

concluded at Geneva on 20th March 1958(**a**) as amended(**b**) to which the United Kingdom is a party(**c**);

"examination" means any examination or test, or series of examinations or tests, carried out on a vehicle or vehicle part to ascertain that in respect of that vehicle or vehicle part approval requirements have been satisfied;

"the Northern Ireland Regulations" means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(**d**);

"the Northern Ireland type approval scheme" means the provisions for the type approval of vehicles and vehicle parts contained in the Northern Ireland Regulations;

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

"a type approval certificate", "a Department's approval certificate" and "an authorisation" include a modified or duplicate type approval certificate, Department's approval certificate or authorisation as the case may be; and

"the Type Approval (EEC) Regulations" means the Motor Vehicles (Type Approval) (EEC) Regulations (Northern Ireland) 1987(**e**).

(2) A reference in these Regulations to a vehicle in category L5 is a reference to a vehicle described as L5 in ECE Regulation 13 of 29th May 1969 and a reference to a vehicle in category M1, M2, M3, N1, N2 or N3 is a reference to a vehicle described respectively as M1, M2, M3, N1, N2, or N3 in Council Directive 70/156/EEC of 6th February 1970(**f**).

Fees — basic scale for examination of vehicles or parts of vehicles

3.—(1) In this regulation any reference to a numbered column is a reference to the column bearing that number in Part II of Schedule 1.

(2) Subject to the subsequent provisions of these Regulations, the fee for an examination in relation to an approval requirement in column 2 is the amount specified in relation to that requirement in column 4.

(3) Part I of Schedule 1 contains an index to Part II of that Schedule.

(4) Where, in relation to an approval requirement specified in column 2, more than one type of examination or more than one type of vehicle or vehicle part is specified in column 3, the fee is the amount specified in column 4 opposite the examination, vehicle or vehicle part in question.

(5) The fees specified—

(*a*) in column 4(*a*) are prescribed in a case where the examination is to be carried out on approved premises by an officer of the Department or a person appointed by the Department to act on its behalf;

(**a**) Cmnd. 2535
(**b**) Cmnd. 3562
(**c**) By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963
(**d**) S.R. 1985 No. 294 as amended by S.Rs. 1987 No. 389 and 1988 No. 405
(**e**) S.R. 1987 No. 306 as amended by S.Rs. 1988 Nos. 310 and 403
(**f**) O.J. L42, 23.2.70, p. 1

(*b*) in column 4(*b*) are prescribed in a case where the examination is to be carried out at other premises under the supervision of an officer of the Department or a person appointed by the Department to act on its behalf.

(6) Schedule 5 shall have effect for the purposes of interpreting certain expressions relating to Community Instruments and certain abbreviations used in Schedule 1.

Fees — consecutive examinations

4. Where more than one vehicle or vehicle part of the same type but embodying minor variations is submitted by an applicant with a view to carrying out the examinations consecutively on each item and the case is one where all the examinations can be carried out without setting up the examination apparatus again, the fee to be paid for the carrying out of each examination after the first one is such proportion of the fee prescribed in regulation 3 as is commensurate with the work involved in carrying out such examination.

Fees — partial examinations

5.—(1) Where there has been issued as regards a vehicle or vehicle part—

(*a*) a type approval certificate, or an authorisation, in relation to a Community Instrument; or

(*b*) a type approval certificate, or a Department's approval certificate, in relation to the Northern Ireland type approval scheme,

and in consequence of an alteration in the design specification of the vehicle or vehicle part, either—

(A) a further examination of the vehicle or vehicle part is needed with a view to the issue of a modified or further certificate, but the alteration is not so extensive as to require that the further examination shall be as complete and exhaustive as the original examination, or

(B) an applicant requires a modification of a certificate, but the alteration is not so extensive as to require a further examination of the vehicle or vehicle part and can be carried out on an examination of data supplied by the applicant,

the fee for such an examination is such proportion of the fee prescribed in regulation 3 as is commensurate with the work involved in carrying out such examination.

(2) Where, in the case of an examination mentioned in regulation 3 or 4 or in paragraph (1)—

(*a*) it has been found impossible to complete the examination satisfactorily; or

(*b*) the vehicle or vehicle part submitted for the examination does not satisfy completely the requirements of the examination,

and in consequence a further, but partial, examination of the vehicle or vehicle part is required, the fee to be paid for such further examination is such proportion of the fee prescribed in regulation 3 as is commensurate with the work involved in carrying out such further partial examination.

(3) Where more than one vehicle or vehicle part of the same type but embodying minor variations is submitted by an applicant and it is unnecessary to submit each individual vehicle or vehicle part to a complete examination the fee to be paid for the partial examination of a particular vehicle or vehicle part is such proportion of the fee prescribed in regulation 3 as is commensurate with the work involved in carrying out such partial examination.

Fees — final examination of complete vehicle

6.—(1) The fee for the final examination of a vehicle to which the Northern Ireland Regulations apply with a view to the issue in respect of that vehicle of a certificate specified in column 1 of Schedule 2 where, before the examination takes place, type approval procedures have been carried out (whether in Northern Ireland or elsewhere) which have determined that in respect of that vehicle all the approval requirements which—

(*a*) are referred to in Schedule 1 to those Regulations;

(*b*) relate to particular parts or aspects of a vehicle; and

(*c*) are applicable to the vehicle,

have been satisfied, is the amount specified in relation thereto in column 3 of Schedule 2.

(2) Where in the case of an examination of a vehicle mentioned in paragraph (1)—

(*a* it has been found impossible to complete that examination satisfactorily;

(*b*) the vehicle has been found not to comply in all respects with the relevant approval requirements;

(*c*) the vehicle is one which has been assembled in more than one stage by more than one manufacturer; or

(*d*) a type approval certificate or Department's approval certificate has previously been issued in respect of the model of the vehicle but the vehicle incorporates certain changes in detail not covered by that certificate,

and, in consequence, a further, but partial, examination of the vehicle is required before the relevant document can properly be issued in respect of it, the fee for that partial examination shall be such proportion of the relevant sum specified in Schedule 2 as is commensurate with the work involved in carrying out such partial examination.

Fees — avoidance of duplication

7. Where the examination of a vehicle or vehicle part for the purposes of a Community Instrument is carried out at the same time as the examination of that vehicle or vehicle part for the purposes of the Northern Ireland type approval scheme, then, insofar as one and the same operation or series of operations serves for both examinations, the fee payable shall be the fee for only one examination.