**1989 No. 234**

# ROAD TRAFFIC AND VEHICLES

## Motor Vehicle Testing Regulations (Northern Ireland) 1989

*Made* . . . . . *23rd June 1989*
*Coming into operation* . . *7th August 1989*

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The Department of the Environment, in exercise of the powers conferred on it by Articles 33(2) and (6), 34(5) and (6), 35(3), 36(4), 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**b**) as regards Schedule 1, makes the following Regulations:

## PART I

## PRELIMINARY

*Citation and commencement*

**1.** These Regulations may be cited as the Motor Vehicle Testing Regulations (Northern Ireland) 1989 and shall come into operation on 7th August 1989.

*Interpretation*

**2.** In these Regulations—

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

"certificate" means a vehicle test certificate;

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

"notification of refusal" means a written notice stating the grounds of refusal of a vehicle test certificate;

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

"registration mark" means the registration mark assigned to the vehicle on registration in pursuance of section 19(1) of the Vehicles (Excise) Act (Northern Ireland) 1972(**c**).

(a) S.I. 1981/154 (N.I. 1)
(b) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3
(c) 1972 c. 10 (N.I.)

PART II

MOTOR VEHICLE TESTING

*Application for test*

**3.**—(1) A person who desires to obtain a certificate shall apply to the Department to have the vehicle tested.

(2) The application shall—

(*a*) be made on a form issued by the Department and the applicant shall furnish all relevant particulars and make any relevant declaration specified in such form;

(*b*) be submitted at least two months before the date on which the certificate is required to have effect; and

(*c*) be accompanied by the relevant fee prescribed in paragraph 1 of Part I of Schedule 1.

*Testing of vehicles*

**4.**—(1) On being notified in writing, the applicant shall present the vehicle for testing in reasonably clean condition, together with the registration book, at the time and centre specified in the notice.

(2) The test shall include the items in Schedule 2 applicable to the vehicle being tested.

(3) If after testing the vehicle the Department is satisfied that it complies with the statutory requirements relating to the construction and condition of motor vehicles, their accessories and equipment, it shall issue a certificate.

(4) If an inspector who tested the vehicle is not satisfied that it complies with the requirements mentioned in paragraph (3) he shall serve a notification of refusal on the applicant.

*Re-tests*

**5.**—(1) Where the defects mentioned in a notification of refusal are remedied, the applicant may make a further application for a test on a form issued by the Department and the Department shall carry out a re-test of the vehicle.

(2) The fee payable on such further application shall be the relevant amount prescribed in paragraph 1 of Part I of Schedule 1.

(3) Where however an application is made under paragraph (1) within 21 days from the date of service of the notification and the vehicle is presented for re-test on a date and at a time appointed by the Department, the fee payable shall be the relevant amount prescribed in paragraph 2 of Part I of Schedule 1.

*Notice of cancellation*

**6.**—(1) For the purposes of Article 11(2)(*b*) of the Order (which sub-paragraph as applied by Article 33(3) of the Order specifies circumstances in which a fee paid on application for an appointment for a test may be repaid), notice cancelling an appointment for a test under regulation 4(1) or 5(1) shall be given to the Department at the centre at which the test is to be carried out not less than 3 clear working days before the date of the appointment.

(2) In paragraph (1) "working day" means a day on which the centre where the test is to be carried out is open to the public.

*Certificate and notification of refusal*

**7.** The certificate and notification of refusal shall be in Form 1 and Form 2 respectively as set out in Schedule 3.

*Duplicate certificate*

**8.** If the owner of a vehicle satisfies the Department that a certificate has been lost or accidentally defaced, the Department shall issue to him in respect of that vehicle a duplicate certificate on payment of a fee of—

(*a*) £4·30 for a motor bicycle; and

(*b*) £7·15 for any other motor vehicle.

## PART III

## APPEALS

*Appeal on refusal of a certificate*

**9.**—(1) An appeal under Article 33(5) of the Order shall be made in writing on a form issued by the Department and shall be sent, together with the relevant fee prescribed in Part II of Schedule 1, to the Department within fourteen days from the date of service of the notification of refusal.

(2) On being notified in writing, the appellant shall present the vehicle for a further test in reasonably clean condition at the time and centre specified in the notice.

(3) The person submitting the vehicle for such test shall—

(*a*) produce the notification of refusal and the registration book relating to the vehicle; and

(*b*) give such information as may reasonably be required in relation to alterations made or repairs carried out, or any accidents or other events occurring, since the date of the notification, which may have affected the vehicle or its equipment or accessories,

and the Department shall not be required to carry out the test unless the notification of refusal and registration book are produced and such information is given.

(4) Upon completion of the test, the Department shall issue or refuse to issue a certificate.

*Repayment of fee on appeal*

**10.** After completion of the test for the purpose of the appeal, the Department shall repay to the appellant the whole or a part of the fee paid on the appeal where it appears to the Department that there were substantial grounds for contesting the whole or part of the decision appealed.

MISCELLANEOUS

*Exemptions from requirement to have a certificate*

**11.** Article 34(1) of the Order shall not apply to—

(*a*) a heavy locomotive, light locomotive or motor tractor;

(*b*) a pedestrian controlled vehicle;

(*c*) an invalid carriage;

(*d*) a vehicle in respect of which a test certificate under section 43 of the Road Traffic Act 1972(**a**) or section 45 of the Road Traffic Act 1988(**b**) is in force;

(*e*) a vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972;

(*f*) a vehicle provided for police or fire brigade purposes;

(*g*) a vehicle owned by or in the service of the naval, military or air forces of Her Majesty;

(*h*) a vehicle in the service of a visiting force or of a headquarters (within the meaning given by Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(**c**));

(*i*) a vehicle proceeding to a port for export from the United Kingdom;

(*j*) a vehicle temporarily in Northern Ireland displaying a registration mark described in regulation 2 of the Motor Vehicles (International Circulation) (Registration and Licensing) Regulations (Northern Ireland) 1963(**d**), a period of 12 months not having elapsed since the vehicle was last brought into Northern Ireland;

(*k*) a vehicle authorised to be used on roads under Article 29(3) of the Order;

(*l*) a goods vehicle used for the purposes of funerals;

(*m*) a district council vehicle used for the purpose of road cleansing, road watering or the collection or disposal of night-soil or the contents of cesspools;

(*n*) a vehicle constructed or adapted for and used solely for the purpose of spreading material on roads to deal with frost, ice or snow;

(*o*) a vehicle which is in use only on Rathlin Island; and

(*p*) a vehicle used for any of the following purposes—

(i) submitting it by previous arrangement for, or bringing it away from, a test;

(ii) carrying out any part of the test by an inspector of vehicles;

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(**a**) 1972 c. 20
(**b**) 1988 c. 52
(**c**) S.I. 1965/1536
(**d**) S.R. & O. (N.I.) 1963 No. 79