1982 No. 397

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1982

Made . . . . . *30th November 1982*

Coming into operation . . . *28th December 1982*

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 53(3), 54(1), 58(1), 80 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**c**) and of every other power enabling it in that behalf and with the approval of the Department of Finance and Personnel(**d**) as regards regulation 3(4) and (5) hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 28th December 1982.

Interpretation

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

Regulations amended

3. The Goods Vehicles (Certification) Regulations (Northern Ireland) 1982(**f**) shall be amended as follows:

(1) For regulation 3 there shall be substituted—

"*Interpretation*

3. In these Regulations—

"agricultural trailer", "land implement", "land locomotive", "land tractor", "pedestrian controlled vehicle", "straddle carrier", "track laying" and "works trailer" have the meanings respectively assigned to these expressions in regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(**g**);

"break-down vehicle" means a motor vehicle on which there is mounted apparatus designed for raising a disabled vehicle wholly or partly from the

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(a) S.Is. 1975/1707, 1972/1811 and 1977/1718
(b) 1972 c. 68
(c) S.I. 1981/154 (N.I. 1)
(d) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Article 3
(e) 1954 c. 33 (N.I.)
(f) S.R. 1982 No. 46
(g) S.R. 1976 No. 320

ground or for drawing a disabled vehicle when so raised and which is not used for the conveyance of goods other than a disabled vehicle wholly raised by that apparatus and which carries no other load other than articles required for the operation of, or in connection with, that apparatus or otherwise for dealing with 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. 1463/70 of 20th July 1970 on the introduction of recording equipment in road transport(**a**) as amended by Council Regulations (EEC) Nos. 1787/73(**b**) and 2828/77(**c**) and as read with the Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979(**d**);

"converter dolly" means a trailer which is—

(*a*) equipped with two or more wheels,

(*b*) designed to enable a semi-trailer to move without any part of its weight being directly superimposed on the drawing vehicle, and

(*c*) not itself a part either of the semi-trailer or of the drawing vehicle;

"engineering plant" means movable plant or equipment being a motor vehicle or trailer (not constructed primarily to carry a load) especially designed and constructed for the special purposes of engineering operations;

"living van" means a vehicle whether mechanically propelled or not which is used primarily as living accommodation by one or more persons, and which is also used for the carriage of goods which are not needed by such one or more persons for the purpose of their residence in the vehicle;

"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 such as 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;

(**a**) O.J. No. L164/1 of 27.7.70
(**b**) O.J. No. L181/1 of 4.7.73
(**c**) O.J. No. L334/5 of 24.12.77
(**d**) S.R. 1979 No. 121 as amended by S.R. 1980 No. 83

"semi-trailer" means a trailer which is constructed or adapted to form part of an articulated vehicle;

"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;

"unladen weight" means the weight of the vehicle unladen as specified in Schedule 7 to the Vehicles (Excise) Act (Northern Ireland) 1972(**a**);

"vehicle" means a goods vehicle;

"works truck" means a motor vehicle (other than a straddle carrier) designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works.".

(2) For regulation 5(2) there shall be substituted—

"(2) Where the notice is in respect of a trailer it shall show the identification mark allotted to the trailer 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 3 applicable to the vehicle being examined.".

(3) In regulation 7(3) "within 28 days from such service" shall be deleted.

(4) In regulation 8 for the Table there shall be substituted—

(**a**) 1972 c. 10 (N.I.) as amended by 1982 c. 39

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TABLE

PART I

Fee Payable on Application under Regulation 4(3) or 7(2)

(1) *Class of Vehicle*	(2) *Amount of Fee*
1525 kilograms unladen or under	£7.50
Over 1525 kilograms unladen	£21.00
Trailer	£11.00

PART II

Fee Payable on Application under Regulation 7(3)

(1) *Class of Vehicle*	(2) *Amount of Fee*
1525 kilograms unladen or under	£3.75
Over 1525 kilograms unladen	£10.00
Trailer	£6.00

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(5) For regulation 9 there shall be substituted—

"*Refunds*

9.—(1) The fees paid in pursuance of regulation 4(3) or 7(2) or (3) shall be repaid—

(*a*) if no appointment for an examination of the vehicle is made, or the appointment made is subsequently cancelled by the Department;

(*b*) if the person for whom the appointment is made gives to the Department, at the centre where the examination is to be held, notice cancelling the appointment of not less than 3 clear working days before the date of the appointment;

(*c*) if the person for whom the appointment is made keeps the appointment but the examination does not take place, or is not completed, for reasons attributable neither to him nor to the vehicle presented for examination;

(*d*) if the person for whom the appointment is made satisfies the Department that the vehicle cannot or, as the case may be, could not reasonably be presented for examination on the date of appointment due to exceptional circumstances occurring not more than 7 days before the said date and of which notice is given within 3 days of the occurrence thereof to the Department at the centre where the examination is or, as the case may be, was to be held.

(2) In this regulation—

"working day" means a day on which the centre at which the appointment was made is open to the public;

"exceptional circumstances" means an accident, a fire, an epidemic, severe weather, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor).".

(6) In regulation 14(1) at the end of paragraph (*b*) the word "or" and paragraph (*c*) shall be deleted.

(7) For regulation 17(1)(*c*) there shall be substituted—

"(*c*) if, in the opinion of the Department, the vehicle fails to conform with the requirements referred to in regulation 5(3);".

(8) For Part IV there shall be substituted—

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PART IV

EXEMPTIONS

Exemption from the requirement to have a goods vehicle certificate

19. Article 53 of the Order shall not apply to the use of—

(1) a vehicle constructed or adapted for, and used solely for spreading material on roads to deal with frost, ice or snow;

(2) a land tractor, land locomotive or land implement;

(3) an agricultural trailer drawn on any road only by a land tractor;

(4) a vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972 and any trailer drawn by such a vehicle;

(5) a vehicle for the time being licensed under the Vehicles (Excise) Act 1971(**a**);

(6) a trailer brought into Northern Ireland and having a base outside Northern Ireland from which the use of a vehicle on a journey is normally commenced, a period of 12 months not having elapsed since the vehicle in question was last brought into Northern Ireland;

(7) a pedestrian controlled vehicle;

(8) a track laying vehicle;

(9) a steam propelled vehicle;

(10) a vehicle during the period of 12 months from the date of its being registered for the first time under the Vehicles (Excise) Act (Northern Ireland) 1972 or the corresponding Great Britain legislation:

Provided that where a vehicle has been used on roads (whether in Northern Ireland or elsewhere) before being so registered, the said Article shall not apply to the use of the vehicle during the period of 12 months from the date of its manufacture rather than from the date of its being so registered.

For the purposes of this proviso—

(*a*) there shall be disregarded the use of a vehicle—

(i) before it is sold or supplied by retail, or

(ii) before it is registered by the Department under section 19(1)(*b*) of the Vehicles (Excise) Act (Northern Ireland) 1972 (registration when Department receives from a motor dealer particulars of a

(a) 1971 c. 10