1982 No. 383

EUROPEAN COMMUNITIES

Large Private Passenger Vehicles (Certification) Regulations (Northern Ireland) 1982

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Coming into operation . . . 23rd December 1982

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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

(a) S.Is. 1975/1707, 1972/1811 & 1977/1718
(b) 1972 c. 68

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 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 67(3), 69, 77, 80, 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**b**) as regards regulations 6, 7 and 14(1) hereby makes the following Regulations:

PART I — PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Large Private Passenger Vehicles (Certification) Regulations (Northern Ireland) 1982 and shall come into operation on 23rd December 1982.

Interpretation

2.—(1) In these Regulations—

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

"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(**c**), as amended by Council Regulations (EEC) Nos. 1787/73(**d**) and 2828/77(**e**) and as read with the Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979(**f**);

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

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

"registration mark" means the registration mark assigned to the vehicle in pursuance of section 19 of the Vehicles (Excise) Act (Northern Ireland) 1972(**g**);

"vehicle" means a large private passenger vehicle.

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

PART II — INSPECTIONS

Application for inspection of vehicle

3.—(1) An application for inspection of a vehicle shall be made to the Department, on a form issued by the Department, at least one month before the date on which a certificate of inspection is required to have effect.

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

(3) Each application for inspection of a vehicle shall be accompanied by the fee prescribed by regulation 6(*a*).

(**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**) O.J. No. L164/1 of 27.7.70
(**d**) O.J. No. L181/1 of 4.7.73
(**e**) O.J. No. L334/5 of 24.12.77
(**f**) S.R. 1979 No. 121 as amended by S.R. 1980 No. 83
(**g**) 1972 c. 10 (N.I.)
(**h**) 1954 c. 33 (N.I.)

Inspection of vehicle and grant of certificate of inspection

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

(2) Where after inspecting the vehicle the Department is satisfied that it complies with—

(*a*) the statutory requirements relating to the construction and condition of vehicles; 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 of inspection.

(3) For the purposes of paragraph (2) the inspection shall include the items in Schedule 1 applicable to the vehicle being inspected.

Refusal of certificate and re-inspection of vehicle

5.—(1) Where the Department is not satisfied under regulation 4(2) it shall serve written notice on the applicant stating the reasons for refusal to grant a certificate of inspection.

(2) Where a certificate is refused under paragraph (1) and the defects mentioned in the notice are remedied an applicant may make a further application for inspection of the vehicle on a form issued by the Department.

(3) The fee payable on application for an inspection under paragraph (2) shall be the amount prescribed by regulation 6(*a*).

(4) Where however an application is made under paragraph (2) within 21 days from the date of service of the notice and the vehicle is presented for re-inspection on a date and at a time appointed by the Department, the fee payable shall be the amount prescribed by regulation 6(*b*).

Fees

6. The fee payable shall be—

(*a*) for inspection of a vehicle in accordance with regulation 3(3) or 5(3)	£7.50;
(*b*) for re-inspection of a vehicle in accordance with regulation 5(4)	£3.75.

Refunds

7.—(1) The fees paid in pursuance of regulation 3(3) or 5(3) or (4) shall be repaid—

(*a*) if no appointment for an inspection 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 inspection 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 inspection does not take place, or is not completed, for reasons attributable neither to him nor to the vehicle presented for inspection;

(*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 inspection 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 inspection is or, as the case may be, was to be held.

(2) In this regulation—

"working day" means a day when the centre for 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).

Removal of vehicle presented for inspection

8. A person presenting a vehicle for inspection shall cause it to be removed from the centre before the end of the day on which the inspection is completed.

PART III — CERTIFICATES OF INSPECTION

Certificate of inspection

9.—(1) A certificate granted under regulation 4(2) shall be in the form specified in Schedule 2.

(2) The certificate shall be attached to the vehicle in a securely fitted weatherproof holder and shall be carried on the vehicle at all times when the vehicle is on a road and shall be displayed—

(*a*) in the case of any vehicle fitted with a front windscreen extending across the vehicle to its near side, on the near side of the windscreen so that all particulars on the certificate are clearly visible by daylight from in front of the vehicle;

(*b*) in the case of any vehicle fitted with a driver's cab containing a near side window, on that window;

(*c*) in all other cases, on the near side of the vehicle not less than 610 millimetres and not more than 1830 millimetres above the surface of the road; and

(*d*) in the case of (*b*) and (*c*), so that all particulars on the certificate are clearly visible by daylight to a person standing at the near side of the vehicle.

Conditions of certificate of inspection

10. The conditions prescribed for the purposes of Article 67(3) of the Order are that the owner—

(*a*) shall not permit the vehicle to be used for any illegal purpose;

(*b*) shall at all reasonable times for the purpose of inspection of the vehicle to which the certificate relates—

(i) produce the vehicle at such time and centre as may be specified by any inspector of vehicles, and

(ii) afford to any inspector of vehicles full facilities for such inspection, including access to his premises for that purpose;

(*c*) shall cause the vehicle and all its fittings to be maintained and kept in good order and repair and shall take all practical means to ensure that all parts of the mechanism, including the brakes are free from defects and in efficient working order; and

(*d*) shall, if any alteration in design or construction of the vehicle has been made since the certificate of inspection was issued, immediately communicate full particulars of such alteration to the centre nearest to the place where the vehicle is ordinarily kept.

Alteration of certificate, etc.

11. A person shall not—

(*a*) either by writing, drawing or in any other manner, alter, deface, mutilate or add anything to any certificate; or

(*b*) display upon a vehicle any certificate which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible by fading or otherwise.

Transfer of certificate of inspection

12.—(1) The owner, on the sale or other change of ownership of a vehicle, shall forward the certificate granted in respect of such vehicle together with the name and address of the transferee to the nearest centre and the Department may transfer the certificate to the transferee.

(2) In the case of the death or infirmity of mind or body of the owner during the currency of a certificate the Department, on application by any person, may transfer the certificate to such applicant.

(3) Any certificate transferred in accordance with paragraph (1) or (2) shall continue in force for as long as the original certificate would have continued in force.

(4) Save as provided by paragraph (1) or (2) a certificate of inspection shall not be assigned or transferred and any certificate otherwise assigned or transferred shall be void as from the date of such assignment or transfer.

Change of address of owner

13. If the owner during the currency of his certificate of inspection changes his address, he shall communicate forthwith particulars of such change to the nearest centre.

Duplicate certificate of inspection

14.—(1) If the owner satisfies the Department that the certificate of inspection has been lost or accidentally defaced or destroyed, the Department shall issue to him in respect of that vehicle a duplicate certificate, so marked, on payment of a fee of £1.50.

(2) An application for a duplicate certificate shall be on a form issued by the Department.

(3) In the case of the loss of any certificate, if at any time after the issue of a duplicate certificate the original certificate is found, the owner shall take all reasonable steps to obtain possession of it and shall return it to the nearest centre or to any police station.

Revocation or suspension of certificate

15.—(1) A certificate of inspection shall be liable to revocation or suspension by the Department—

(*a*) if the certificate has been obtained by any misrepresentation;

(*b*) if the owner fails to comply with any of the conditions upon which the certificate issued to him has been granted;

(*c*) if, in the opinion of the Department, the vehicle fails to conform with the requirements specified in regulation 4(2); or

(*d*) if the certificate has been altered, defaced, mutilated or added to.

(2) In the event of any such revocation or suspension—

(*a*) the Department shall serve on the owner written notice of such revocation or suspension and the certificate shall be deemed to be revoked or suspended as from the date of such service; and