1982 No. 46

ROAD TRAFFIC AND VEHICLES

Goods Vehicles (Certification) Regulations (Northern Ireland) 1982

Made . . . . . *19th February 1982*

Coming into operation . . . . *29th March 1982*

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The Department of the Environment in exercise of the powers conferred on it by Articles 53(3), 54, 58, 80 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 as regards regulations 8 and 11(1), hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Certification) Regulations (Northern Ireland) 1982 and shall come into operation on 29th March 1982.

Revocation

2. The Regulations specified in Schedule 1 are hereby revoked.

Interpretation

3. In these Regulations—

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

"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;

"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);

"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;

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

"working day" means a day on which the centre where the examination is to be held is open to the public.

(a) S.I. 1981/154 (N.I. 1).
(b) S.R. 1976 No. 320.
(c) 1972 c. 10 (N.I.).

PART II

APPLICATIONS

Application for certificate

4.—(1) An application for a certificate shall be made to the Department, on a form issued by the Department, at least one month 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 8.

(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

5.—(1) On being notified in writing by the Department the applicant shall 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) Where after examining the vehicle the Department is satisfied that it complies in all respects with regulations made under the Order or under any enactment repealed by the Order with respect to the construction, use, lighting and rear marking of vehicles, it shall grant a certificate.

Refusal of certificate

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

(2) The Department shall refuse to grant a certificate where such refusal is required by or is necessary to give effect to a disqualification ordered under section 18(1) of the Transport Act (Northern Ireland) 1967(**a**).

Re-examination of vehicle

7.—(1) Where a certificate is refused under regulation 6(1) and the defects mentioned in the notice are remedied an applicant may make a further application for

(a) 1967 c. 37 (N.I.) as amended by S.I. 1981/154 (N.I. 1) Art. 220(1) and Sch. 7 para. 6

a certificate on a form issued by the Department and the Department shall carry out a further examination of the vehicle.

(2) The fee payable on such an application shall be the amount prescribed in Part I of the Table to regulation 8.

(3) Where, however, an application is made under paragraph (1) within 21 days from the date of service of the notice and the vehicle is presented for re-examination within 28 days from such service on a date and at a time appointed by the Department, the fee payable shall be the amount prescribed in Part II of the Table to regulation 8.

Fees

8. The fee payable in pursuance of regulation 4(3) or 7(2) or (3) on an application for a certificate for a vehicle of a weight specified in column (1) of Part I or II of the following Table shall be the fee specified in relation to that weight in column (2).

TABLE

PART I

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

(1) *Weight of Vehicle*	(2) *Amount of Fee*
30 hundredweight unladen or under	£ 7.10
Over 30 hundredweight unladen	£16.50

PART II

Fee payable on Application under Regulation 7(3)

(1) *Weight of Vehicle*	(2) *Amount of Fee*
30 hundredweight unladen or under	£ 3.55
Over 30 hundredweight unladen	£ 8.00

Refunds

9. The fees paid in pursuance of regulation 4(3) or 7(2) or (3) may 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; or

(*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 to the Department at the centre where the examination is or, as the case may be, was to be held within 3 days of the occurrence thereof.

Removal of vehicle presented for examination

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

Duplicate certificate

11.—(1) If the owner satisfies the Department that the certificate 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 a 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 such original and shall return it to the nearest centre or to any police station.

PART III

CERTIFICATES

Certificate

12.—(1) A certificate granted under regulation 5(2) shall be in the form specified in Schedule 2.

(2) The certificate shall be attached to the vehicle in a securely fitted weather-proof 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; or

(*b*) 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 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

13. The owner—

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

(*b*) shall not deface or mutilate his certificate or permit the same to be done by any other person;

(*c*) shall at all reasonable times for the purpose of inspection, examination or testing of the vehicle to which the certificate relates—

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

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