1975 No. 138

ROAD TRAFFIC AND VEHICLES

Motor Vehicle Testing Regulations (Northern Ireland) 1975

Made . . . . . *7th May* 1975

Coming into operation . . . . . *1st June* 1975

The Department of the Environment for Northern Ireland in exercise of the powers conferred by sections 29A to 29D of the Road Traffic Act (Northern Ireland) 1970(a), and now vested in it(b), and of all other powers enabling it in that behalf, and with the approval of the Department of Finance in respect of the fees hereby prescribed, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Motor Vehicle Testing Regulations (Northern Ireland) 1975 and shall come into operation on 1st June 1975.

Interpretation

2. In these regulations—

"the Act" means the Road Traffic Act (Northern Ireland) 1970 as amended by the Road Traffic (Amendment) (Northern Ireland) Order 1973(c);

"certificate" means a vehicle test certificate;

"the Department" means the Department of the Environment for Northern Ireland;

"inspector of vehicles" means a person appointed by the Department as an inspector of vehicles;

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

"notice of refusal" means a notice of refusal of a vehicle test certificate;

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

Application for a vehicle test certificate

3.—(1) A person who desires to obtain the grant of a certificate shall—

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

(*b*) submit his application at least one month before the date on which the certificate is to have effect.

(2) Each application for a certificate shall be accompanied by the appropriate fee as prescribed in regulation 8.

(a) 1970 c. 2 (N.I.)
(b) S.R. & O. (N.I.) 1973 No. 504 (II, p. 2992)
(c) S.I. 1973/1229 (N.I. 17)
(d) 1972 c. 10 (N.I.)

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 such time and place specified in the notice.

(2) Where after testing the vehicle the Department is satisfied that it complies in all respects with regulations made under Part III of the Act with respect to the construction and condition of motor vehicles, their accessories and equipment, it shall issue a certificate.

(3) Where the Department is not satisfied under paragraph (2) it shall issue a notice of refusal.

Certificate and notice of refusal

5. The certificate and notice of refusal shall be in Form 1 and Form 2 respectively specified in Schedule 1.

Duplicate certificate

6.—(1) If the owner of a vehicle satisfies the Department that the certificate has been lost or accidently defaced or destroyed, the Department shall issue to him in respect of that vehicle a duplicate certificate on payment of a fee of 25 new pence.

(2) If at any time after the issue of a duplicate certificate the original certificate is found, the owner of the vehicle shall take all reasonable steps to obtain possession of such original and shall return it to the nearest inspector of vehicles or to any police station.

Appeal on refusal of a certificate

7.—(1) An appeal under section 29A(4) of the Act shall be made in writing on a form issued by the Department and shall be sent together with the appropriate fee prescribed in regulation 9 to the Department within 14 days from the date of the notice of refusal.

(2) On being notified in writing the appellant shall submit the vehicle for further test in reasonably clean condition at such time and place specified in the notice.

(3) The person submitting the vehicle for such test shall, if requested by the officer appointed by the Department to carry out the test—

(*a*) produce to him the notice of refusal and the registration book relating to the vehicle, and

(*b*) give such information as may reasonably be required in relation to any alteration made or repairs carried out, or any accident or other event occurring, since the date of the said notice, which may have affected the vehicle or its equipment or accessories,

and the officer shall not be required to carry out the test unless the said notice and registration book are produced and such information as aforesaid is given.

(4) Upon completion of the further test the officer shall either issue a certificate or notice of refusal stating the grounds thereof.

Fees

8. The fees payable for tests shall be as follows:

(*a*) for a motor bicycle a fee of £2.

(*b*) for any other motor vehicle a fee of £3.50,

(*c*) where following a refusal of a certificate the vehicle is presented for re-test within 28 days from the said notice of refusal—

(i) for a motor bicycle a fee of £1,

(ii) for any other motor vehicle a fee of £2.

Fees on appeals

9.—(1) The fees payable on appeals shall be as follows:

(*a*) for a motor bicycle a fee of £2,

(*b*) for any other motor vehicle a fee of £3.50.

(2) After the completion of the test for the purpose of the appeal the Department may repay to the appellant, as it thinks fit, either the whole or a part of the fee paid on the appeal, where it appears there were substantial grounds for contesting the whole or part of the decision appealed against.

Fees for examinations under sections 29C and 29D

10. The fee payable for an examination under section 29C(2) or 29D(3) shall be £2 for a motor bicycle and £3.50 for any other motor vehicle.

Removal of vehicles submitted for test

11. A person submitting a vehicle for test or examination shall cause it to be removed from the place of testing before the end of the day on which the test or examination was completed.

Exemptions

12. The following vehicles shall be exempt from section 29B(1) of the Act:

(1) Heavy locomotives, light locomotives and motor tractors.

(2) Pedestrian controlled vehicles.

(3) Invalid carriages.

(4) A vehicle in respect of which a current test certificate issued under section 43 of the Road Traffic Act 1972(e) is in force.

(5) Vehicles exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972.

(6) Vehicles provided for police, fire brigade or ambulance purposes.

(7) Vehicles owned by or in the service of the naval, military or air forces of Her Majesty.

(8) Vehicles in the service of a visiting force or of a headquarters.

(9) Vehicles proceeding to a port for export.

(10) Vehicles temporarily in Northern Ireland for a period of less than twelve months.

(11) Vehicles used for the following purposes:

(*a*)(i) For the purpose of submitting it by previous arrangement for, or bringing it away from or in the course of a test, or

(ii) where a certificate is refused on a test—

(A) for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy for a further test the defects on the ground of which the certificate was refused, or

(e) 1972 c. 20