STATUTORY INSTRUMENTS

1985 No. 755 (N.I. 6)

The Road Traffic (Type Approval) (Northern Ireland) Order 1985

- - - - - - *15th May 1985*

Introductory

Title and commencement

1.—(1) This Order may be cited as the Road Traffic (Type Approval) (Northern Ireland) Order 1985.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the principal Order" means the Road Traffic (Northern Ireland) Order 1981.

Type approval

Type approval

3. In Part IV of the principal Order (which contains, amongst other things, provisions relating to the use, construction and equipment of motor vehicles), after Article 31 there shall be inserted the following Articles—

"**Approval of design, construction, etc., of motor vehicles**

31A.—(1) Without prejudice to Article 28, the Department may by regulations prescribe requirements ("type approval requirements") with respect to the design, construction, equipment and marking of motor vehicles, being requirements which are applicable before, whether or not they are applicable after, the motor vehicles are used on a road.

(2) Where the Department is satisfied, on an application made to it by the manufacturer of a motor vehicle to which regulations under paragraph (1) apply and after examination of the motor vehicle,—

(a) that the motor vehicle complies with the relevant type approval requirements; and

(b) that adequate arrangements have been made to secure that other motor vehicles purporting to conform with that motor vehicle in the relevant aspects of design,

construction, equipment and marking will so conform in all respects or with such variations as may be permitted,

the Department may approve that motor vehicle as a type vehicle and, if so, shall issue a certificate (a "type approval certificate") stating that the motor vehicle complies with the relevant type approval requirements and specifying the permitted variations from the type vehicle for motor vehicles so conforming in all respects and for motor vehicles so conforming with any such variations.

(3) A manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each motor vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (a "certificate of conformity") stating that it does so conform.

(4) Where the Department is satisfied, on an application made to it by any person in respect of a motor vehicle to which regulations under paragraph (1) apply and after examination of the motor vehicle, that it complies with the relevant type approval requirements, the Department may issue a certificate (a "Department's approval certificate") stating that the motor vehicle complies with those requirements.

(5) Where a Department's approval certificate is given as respects a motor vehicle and the Department is satisfied on an application made to it by the manufacturer of the motor vehicle or, in the case of an imported motor vehicle, the importer of the motor vehicle, and after the consideration of such evidence as the Department thinks necessary that any other motor vehicle manufactured by that manufacturer or, as the case may be, imported by that importer, conforms with the first-mentioned motor vehicle as respects the relevant aspects of design, construction, equipment and marking, the Department may issue a Department's approval certificate in respect of that other motor vehicle without examining it.

(6) Where the Department determines on an application under this Article not to issue a type approval certificate or a Department's approval certificate, the Department shall give the applicant a written notification of the determination, stating the grounds on which it is based.

(7) In this Article and Articles 31B to 31D—

"conform" means conform in all respects or with any permitted variation;

"motor vehicle" includes a vehicle part;

"relevant aspects of design, construction, equipment and marking" means those aspects of design, construction, equipment and marking which are subject to the type approval requirements;

"type vehicle" means a motor vehicle approved by the Department under paragraph (2).

Supplementary provisions relating to type approval and other certificates

31B.—(1) A type approval certificate may be issued under Article 31A(2) subject to conditions with respect to—

(a) the inspection by any person authorised for the purposes of this paragraph by the Department of motor vehicles purporting to conform with the type vehicle in the relevant aspects of design, construction, equipment and marking and the entry of premises where they are manufactured; and

(b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such motor vehicles and the type vehicle which might affect the type approval requirements.

(2) A type approval certificate may be issued under Article 31A(2) for a type vehicle where the Department is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle, and—

(a) a further type approval certificate may be issued by virtue of this paragraph on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references in Article 31A and this Article to a manufacturer shall be construed accordingly;

(b) any certificate of conformity issued in consequence of any type approval certificate issued by virtue of this paragraph shall relate only to the requirement or requirements to which that type approval certificate relates;

(c) where a certificate of conformity issued in respect of a motor vehicle relates to one or more, but not all, of the relevant type approval requirements, the Department may issue in respect of that vehicle a Department's approval certificate relating to one or more of the other relevant type approval requirements.

(3) The Department may by notice in writing given to the manufacturer or owner of a motor vehicle for which a Department's approval certificate is issued direct that any specified alteration in any of the relevant aspects of design, construction, equipment or marking to which the direction relates shall be notified to the Department.

(4) Without prejudice to Article 31D, the Department may by regulations require that a Department's approval certificate issued for any motor vehicle shall specify any additional alteration to that vehicle required by any direction under paragraph (3) to be notified to the Department.

(5) If it appears to the Department that there has been a breach of a condition subject to which a type approval certificate has been granted or if the Department ceases to be satisfied as to any other matter relevant to a type approval certificate, the Department may cancel or suspend the certificate and where it does so, the Department shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension; but the cancellation or suspension shall not affect the validity of any certificate of conformity previously issued in consequence of the type approval certificate.

Appeals

31C.—(1) A person aggrieved by—

(a) a determination made by the Department under Article 31A or 31B with respect to a type approval certificate, a certificate of conformity or a Department's approval certificate;

(b) a determination made on an examination in pursuance of regulations under Article 31D(2) (a);

may within the prescribed time and in the prescribed manner appeal to the Department.

(2) On an appeal under paragraph (1) (a) the Department may—

(a) hold an inquiry; and

(b) appoint an assessor for the purpose of assisting the Department with the appeal or the inquiry.

Regulations

31D.—(1) The Department may make regulations for the purposes of Articles 31A to 31C.

(2) Regulations under paragraph (1) may include provisions—