1973. No. 490 **[C]**

ROAD VEHICLES

Registration and Licensing

REGULATIONS, DATED 11TH DECEMBER 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 2(1)(*c*), 7, 12, 16, 17, 19, 23 (AS MODIFIED BY SECTION 37(1) AND PARAGRAPH 20 OF PART I OF SCHEDULE 9), 34 AND 35(5) OF AND PARAGRAPH 2 OF PART I OF SCHEDULE 2 AND PARAGRAPH 8 OF PART I OF SCHEDULE 4 TO THE VEHICLES (EXCISE) ACT (NORTHERN IRELAND) 1972.

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The Ministry of Home Affairs, on behalf of the Secretary of State and in exercise of the powers conferred upon it by sections 2(1)(*c*), 7, 12, 16, 17, 19, 23 (as modified by section 37(1) and paragraph 20 of Part I of Schedule 9), 34 and 35(5) of the Vehicles (Excise) Act (Northern Ireland) 1972(a) and under paragraph 2 of Part I of Schedule 2 and paragraph 8 of Part II of Schedule 4 to that Act, and of all other enabling powers, hereby makes the following Regulations:—

PART I—PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973 and shall come into operation on 11th December 1973.

Revocation, savings and transitional provisions

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

(*a*) in so far as any application made, particulars furnished, notification given, licence, certificate, registration book or other document or trade plate issued, record kept, registration mark assigned or other thing done under the Regulations specified could have been made, furnished, given, issued, kept, assigned or done under a corresponding provision of these Regulations, it shall not be invalidated by the said revocation, but shall have effect as if made, furnished, given, issued, kept, assigned or done under that corresponding provision;

(*b*) any reference in such application, declaration, particulars, notification, certificate, registration book or other document to any provision of the Regulations specified whether specifically or by means of a general description, shall, unless the context otherwise requires, be construed as a reference to a corresponding provision of these Regulations.

Interpretation

3. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Vehicles (Excise) Act (Northern Ireland) 1972;

"agricultural machine" has the same meaning as in Schedule 3 to the Act;

"bicycle" means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a trailer or side-car) not exceeding 8 hundredweight in weight unladen;

"hours of darkness" means the time between half-an-hour after sunset and half-an-hour before sunrise;

"invalid vehicle" means a mechanically propelled vehicle (including a cycle with an attachment for propelling it by mechanical power) which does not exceed 10 hundredweight in weight unladen and is adapted and used or kept on a road for an invalid or invalids;

"the Ministry" means the Ministry of Home Affairs;

"owner" in relation to a vehicle means the person by whom the vehicle is kept and used and the expression "ownership" shall be construed accordingly;

(a) 1972. c. 10 (N.I.).

"pedestrian controlled vehicle" means a mechanically propelled vehicle with three or more wheels which does not exceed 8 hundredweight in weight unladen and which is neither constructed nor adapted for use nor used for the carriage of a driver or passenger;

"prescribed form" means such one of the forms indicated in Schedule 4;

"register" means the record kept by or on behalf of the Ministry of the mechanically propelled vehicles registered by it in pursuance of section 19 of the Act or which in accordance with the provisions of these Regulations are required to be registered with it;

"road" has the same meaning as in section 190 of the Road Traffic Act (Northern Ireland) 1970(**b**);

"trade licence" has the meaning assigned to it by section 16 of the Act;

"trade plates" has the meaning assigned thereto in Regulation 32;

"tricycle" means a mechanically propelled tricycle (including a motor scooter and a tricycle with an attachment for propelling it by mechanical power) not exceeding 8 hundredweight in weight unladen and not being a pedestrian controlled vehicle.

"works truck" means a mechanically propelled vehicle 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.

PART II—LICENSING AND REGISTRATION

Application for licences

4. A person who keeps a mechanically propelled vehicle and who desires to obtain a licence for it under the Act may apply for it to the Ministry by means of a declaration in the prescribed form not more than 14 days before the licence is to have effect, and shall include with his application and such documents as are required to be produced by him on the application by virtue of Regulation 10 of the Motor Vehicles (Third Party Risks) Regulations (Northern Ireland) 1972(**c**), and Regulation 8 of the Motor Vehicles (International Motor Insurance Card) (Northern Ireland) Regulations 1969(**d**), the following—

(*a*) where a registration book has been issued in respect of a vehicle, the registration book; and

(*b*) the amount of duty payable on the licence under the Act in respect of the vehicle:

Provided that the renewal of a licence shall not be made at a post office authorised as in Regulation 17(1) to issue licences after the expiration of 14 days from the date on which the licence expired.

Restriction or registration of vehicles chargeable with car tax

5.—(1) The Ministry may refuse to register a vehicle under section 19 of the Act unless there is produced to it at the time when it would otherwise be required by that section to register the vehicle, a document purporting to be issued by, or by authority of, the Commissioners of Customs and Excise which certifies either—

(**b**) 1970. c. 2 (N.I.).
(**c**) S.R. & O. (N.I.) 1972, No. 235.
(**d**) S.R. & O. (N.I.) 1969, No. 129.

(*a*) that the vehicle is not a chargeable vehicle; or

(*b*) that the car tax chargeable on it has been or will be paid; or

(*c*) that car tax on it has been remitted.

(2) Paragraph (1) shall not apply in relation to the registration of a vehicle which is chargeable with duty under the Act by virtue of section 1 thereof and Schedule 1 or Schedule 3 thereto, but shall otherwise apply without prejudice to any other requirement of these Regulations.

(3) In this Regulation "chargeable vehicle" and "car tax" have the same meaning as in section 52 of the Finance Act 1972(e).

Surrender of licences

6. The holder of a licence who wishes to surrender his licence and claim a rebate in respect of the unexpired term of the licence in accordance with the provisions of section 17 of the Act (as modified by section 37(1) thereof and paragraphs 13 to 16 of Part I of Schedule 9 thereto) shall make an application in writing, signed by the applicant, to the Ministry and at the same time he shall deliver up his licence to the Ministry and, in the case of a trade licence, return any trade plates issued to him in connection therewith.

Application for duplicate licence or registration book

7.—(1) If a licence or a registration book issued in respect of a vehicle under these Regulations is lost, destroyed, mutilated or accidentally defaced or the figures and particulars thereon have become illegible or the colour of the licence has become altered by fading or otherwise, the owner of the vehicle shall apply to the Ministry for the issue of a duplicate licence or registration book, as the case may be, and the Ministry upon being satisfied as to such loss, destruction, mutilation, defacement, illegibility or alteration as aforesaid and, where the licence or registration book has been mutilated or accidentally defaced or the figures and particulars thereon have become illegible or the colour of the licence has become altered by fading or otherwise, upon the receipt of the licence or registration book, shall issue a duplicate so marked on payment of a fee of 25p and the duplicate so issued shall have the same effect as the original licence or registration book:

Provided that where the Ministry is satisfied that the figures or particulars have become illegible or the colour of the licence has become altered by fading or otherwise without any act or neglect on the part of the holder of the licence it shall issue a duplicate so marked free of charge.

(2) In the case of the loss of any licence or registration book, if at any time after the issue of a duplicate licence or registration book the original licence or registration book is found, the owner of the vehicle, if it is in his possession, shall return it to the Ministry, or if it is not in his possession but he becomes aware that it is found, shall take all reasonable steps to obtain possession of it and if successful shall return it to the Ministry, so, however, that if possession is not obtained, such fact shall be notified to the Ministry by the owner of the vehicle without delay.

(e) 1972 c. 41.