EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

The report of the actuarial investigation into the Teachers' Superannuation Account as at 31st March, 1961 carried out by the Government Actuary in accordance with the requirements of Section 1(4) of the Teachers (Superannuation) Act (Northern Ireland) 1956 certified that at that date the estimated value of the superannuation expenditure exceeded the estimated income by £5,468,000 and that further contributions by employers at the rate of three per cent. per annum are required to make good the excess expenditure by the expiration of forty years beginning on the 1st April, 1966.

1966. No. 65 [C]

GOODS VEHICLES: CERTIFICATION

REGULATIONS, DATED 24TH MARCH, 1966, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 72 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1955.

The Ministry of Home Affairs in exercise of the powers vested in it by Section 72 of the Road Traffic Act (Northern Ireland) 1955(a), and of every other power in that behalf enabling it, hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the Goods Vehicles (Certification) Regulations (Northern Ireland) 1966, and shall come into operation on the 24th March, 1966.

Interpretation

2. In these Regulations,

"the Ministry" means the Ministry of Home Affairs for Northern Ireland;

"the Acts" means the Road Traffic Acts (Northern Ireland) 1926 to 1964;

"Inspector of Vehicles" means a person appointed by the Ministry as an Inspector of Vehicles;

"index Mark and registration Number" means the index Mark and registration Number assigned to the goods vehicle on registration in pursuance of the Road Vehicles (Registration and Licensing) (Northern Ireland) Regulations 1947(b);

"operator" means the person to whom a certificate is granted or transfered;

"unladen weight" means the weight of the vehicle unladen as registered by a Council in pursuance of the Road Vehicles (Registration and Licensing) (Northern Ireland) Regulations 1947.

Revocation

3. The Goods Vehicles (Licensing) Regulations (Northern Ireland) 1955(c)

(a) 1955. c. 27.
(b) S.R. & O. (N.I.) 1947, No. 167.
(c) S.R. & O. (N.I.) 1955, No. 124.

and the Goods Vehicles (Licensing Fees) Regulations (Northern Ireland) 1965(a) are hereby revoked.

Application for Certificate

4. An applicant desirous of obtaining a certificate for a goods vehicle shall make application to the Ministry. Such application shall be in the Form No. 1, 2, 3, or 4 in the Schedule, and shall be made by the owner of the vehicle, or by some person duly authorised in writing by the owner in that behalf.

Applicant residing outside Northern Ireland

5. Where an application for the certification of a goods vehicle is made by the owner thereof being a company or body corporate whose registered or principal office is situate outside Northern Ireland or by an individual or individuals whose residence or residences is or are outside Northern Ireland it shall be a condition of the issue of a certificate that the owner shall have and retain during the currency of the certificate an office or place of business within Northern Ireland and shall undertake to accept service thereat of any summons or other document relating to any matter or offence arising in Northern Ireland in connection with such goods vehicle and to appear at any court as required by such summons or other document and to admit and submit to the jurisdiction of the court relative to the subject matter of such summons or other document. Any non-performance of such undertaking shall operate as an immediate revocation of the certificate.

Refusal of Certificate

6. The Ministry may in its discretion refuse to grant a certificate:—

(*a*) if the applicant has previously obtained a certificate for a goods vehicle and the certificate has been revoked or suspended;

(*b*) if the applicant—

(i) has failed to observe any of the conditions of any certificate previously granted; or

(ii) has been convicted of any offence under Part III of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1934(b), or any Regulations made thereunder;

(*c*) where such refusal is required by or is necessary to give effect to a disqualification imposed under or by virtue of sub-sections (5) and (10) of Section 18 of the Transport Act (Northern Irelnad) 1948(c).

7. The Ministry shall not grant a certificate if the applicant fails to satisfy it that the goods vehicle conforms to any Regulations made under the Acts with respect to the use and construction of vehicles.

Fees

8. The prescribed fees shall be as follows:—

(1) For a goods vehicle for which a certificate is applied for within one month of being registered for the first time under the Vehicles (Excise) Act (Northern Ireland) 1954(d), or under the corresponding statutory provisions obtaining elsewhere, and which before being so registered has not been used for demonstration purposes for a longer period than one month . . 20s.

(2) For a goods vehicle not coming within the provisions of paragraph (1):—

(a) S.R. & O. (N.I.) 1965, No. 16.
(b) 24 & 25 Geo. 5. c. 15 (N.I.).
(c) 1948. c. 16; 1966. c. 3 (N.I.).
(d) 1954, c. 17.

(*a*) Where the vehicle does not exceed in weight 12 cwt. unladen . 30s.
(*b*) Where the vehicle exceeds in weight 12 cwt. unladen but does not exceed 2 tons unladen . . . . . 40s.
(*c*) Where the vehicle exceeds in weight 2 tons unladen . . . 70s.

Examination of Vehicle

9. If the Ministry approves of the application, the applicant shall cause the goods vehicle to which the application relates to be brought to such place as an Inspector of Vehicles may direct for examination.

Certificate

10.—(1) The certificate shall be in the Form No. 5 in the Schedule showing the name of the operator of the vehicle, its index mark and registration number, and the date of expiry of the certificate.

(2) The certificate shall be attached to and carried on the vehicle at all times when the vehicle is in use on a public road in a securely fitted weather-proof holder.

(3) (*a*) In the case of a vehicle fitted with a front glass windscreen extending across the vehicle to the near side the certificate shall be carried facing forwards so as to be clearly visible from in front at all times by daylight, either
(i) on the near lower corner of the glass of such windscreen, or
(ii) within two inches of the glass either in front or behind it.

(*b*) In all other cases, the certificate shall be carried on the vehicle so as to be clearly visible at all times by daylight to a person standing at the near side of the vehicle and, except in the case of a pedestrian controlled vehicle,
(i) not less than two feet nor more than six feet six inches from the ground level, and
(ii) in front of, to a distance not exceeding four feet, the driving seat or cab (or, where no such fitting exists, the foot plate).

Notice of Refusal of Certificate

11. If the certificate is refused the Ministry shall transmit to the applicant notice of such refusal in the Form No. 6 in the Schedule.

Responsibility of Operator

12. The operator shall be responsible for the observance of all conditions under which the certificate is granted.

Conditions of Certificate

13.—(1) The operator:—

(*a*) shall not permit the goods 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;

(*d*) shall within three days after a notice has been delivered to him, deliver up his certificate at such place as may be specified in the notice.

(2) The operator shall cause the goods vehicle and all its fittings to be maintained and kept in good order and repair, and shall take all practical means to secure that all parts of the mechanism, including the brakes, are free from defects and in efficient working order.

(3) The operator, if any alteration in design or construction of the goods vehicle has been made since the certificate was issued, shall immediately communicate full particulars of such alteration to the office of the Inspector of Vehicles nearest to the place where the vehicle is ordinarily kept.

Alteration of Certificate and similar offences

14. A person shall not (either by writing, drawing or in any other manner) alter, deface, mutilate or add anything to any certificate, nor shall any person exhibit upon any goods 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, nor shall any person so exhibit any imitation of any certificate.

Transfer of Certificate

15.—(1) The operator, on the sale or other change of ownership of a goods vehicle, shall forthwith notify in writing the change of ownership to the nearest Inspector of Vehicles, stating the index mark and registration number, the number of the certificate issued in respect of the vehicle, and the name and address of the new owner, and shall forward or deliver up to the said Inspector of Vehicles the certificate.

(2) If the Ministry approves of an assignment or transfer of a certificate it shall withdraw the certificate accordingly and cause a new certificate to be issued showing the name of the new owner of the vehicle.

(3) Save as in this Regulation hereinbefore provided and subject to Regulation 18, a certificate shall not be assigned or transferred and if otherwise assigned or transferred shall be void as from the date of the assignment or transfer.

Defaced Certificate

16. Any certificate defaced or upon which there is an erasure shall be void.

Revocation or Suspension of Certificate

17.—(1) A certificate for a goods vehicle shall be liable to revocation or suspension by the Ministry in any of the following events:—

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

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

(*c*) if the operator has been convicted of any offence under Part III of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1934, or any Regulations made thereunder;

(*d*) if in the opinion of the Ministry the goods vehicle fails to conform to any Regulations made under the Acts with respect to the use and construction of vehicles;

(*e*) if the conduct of the operator is or has been during the currency of the certificate such as to render it inadvisable, in the opinion of the Ministry, that he should continue to hold the certificate;

(*f*) where such revocation or suspension is required by or is necessary to give effect to a disqualification imposed under or by virtue of sub-sections (5) and (10) of Section 18 of the Transport Act (Northern Ireland) 1948.

(2) In the event of any such revocation or suspension, (*a*) the Ministry shall give or cause to be given to the operator notice in writing of such revocation or suspension, and the certificate shall be deemed to be revoked or suspended as from the date of such service, and (*b*) the operator shall forthwith deliver up the certificate to the nearest Inspector of Vehicles.

Death or Infirmity of Operator

18. In the case of the death or any infirmity of mind or body of the operator during the currency of a certificate the Ministry, if it thinks fit, on application by any person, may by endorsement on the certificate temporarily transfer it to such applicant.

Change of Address of Operator

19. If an operator during the currency of his certificate changes his address, he shall forthwith communicate particulars of such change of address to the Chief Inspector of Vehicles, Ministry of Home Affairs, 7-11 Linenhall Street, Belfast, 2.

Duplicate Certificate

20. If an operator satisfies the Ministry that the certificate has been lost, or accidently defaced or destroyed, the Ministry shall issue to him a duplicate certificate on payment of a fee of five shillings.

An application for a duplicate certificate shall be in the Form No. 7 in the Schedule. 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 operator shall take all reasonable steps to obtain possession of such original and shall return it to the nearest Inspector of Vehicles or to any Royal Ulster Constabulary Station.

Markings on Vehicles

21. The operator or driver of a goods vehicle shall not use or cause or permit the vehicle to be used for the carriage of goods unless:—

(*a*) the name and address of the operator are printed in legible letters in a conspicuous position on the near side of the vehicle;

(*b*) in the case of a vehicle the unladen weight of which exceeds one ton and which is constructed or adapted to carry a load, the unladen weight is painted or otherwise plainly marked upon some conspicuous part of the right or off-side of the vehicle.

Defective Vehicles

22. In the event of any defects being found on inspection of a goods vehicle after a certificate has been issued in respect of it an Inspector of Vehicles shall, if in his opinion the defects render the vehicle unsuitable or dangerous for use on public roads, notify the operator of such defects, and shall remove the certificate, and the certificate shall be deemed to be suspended until such time as the defects have been remedied and the certificate has been restored. If the defects are in his opinion of a minor nature the Inspector shall notify the operator of the defects and require him to remedy them within seven days, and if such operator fails to comply with this requirement the certificate shall be liable to suspension in accordance with the provisions of Regulation 17.