**1982 No. 397**

# EUROPEAN COMMUNITIES

# ROAD TRAFFIC AND VEHICLES

## Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1982

*Made* . . . . . *30th November 1982*

*Coming into operation* . . . *28th December 1982*

The Department of the Environment, being a department designated(**a**) for the purpose of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation and supervision of working conditions of persons engaged in road transport, the regulation of the type, description, construction or equipment of vehicles and the testing of the roadworthiness of motor vehicles and their trailers, in exercise of the powers conferred by that section, and in exercise of the powers conferred on it by Articles 53(3), 54(1), 58(1), 80 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**c**) and of every other power enabling it in that behalf and with the approval of the Department of Finance and Personnel(**d**) as regards regulation 3(4) and (5) hereby makes the following Regulations:

*Citation and commencement*

**1.** These Regulations may be cited as the Goods Vehicles (Certification) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 28th December 1982.

*Interpretation*

**2.** The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

*Regulations amended*

**3.** The Goods Vehicles (Certification) Regulations (Northern Ireland) 1982(**f**) shall be amended as follows:

(1) For regulation 3 there shall be substituted—

"*Interpretation*

**3.** In these Regulations—

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

"break-down vehicle" means a motor vehicle on which there is mounted apparatus designed for raising a disabled vehicle wholly or partly from the

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(a) S.Is. 1975/1707, 1972/1811 and 1977/1718
(b) 1972 c. 68
(c) S.I. 1981/154 (N.I. 1)
(d) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Article 3
(e) 1954 c. 33 (N.I.)
(f) S.R. 1982 No. 46
(g) S.R. 1976 No. 320

ground or for drawing a disabled vehicle when so raised and which is not used for the conveyance of goods other than a disabled vehicle wholly raised by that apparatus and which carries no other load other than articles required for the operation of, or in connection with, that apparatus or otherwise for dealing with disabled vehicles;

"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;

"the Community Recording Equipment Regulation" means Council Regulation (EEC) No. 1463/70 of 20th July 1970 on the introduction of recording equipment in road transport(**a**) as amended by Council Regulations (EEC) Nos. 1787/73(**b**) and 2828/77(**c**) and as read with the Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979(**d**);

"converter dolly" means a trailer which is—

(*a*) equipped with two or more wheels,

(*b*) designed to enable a semi-trailer to move without any part of its weight being directly superimposed on the drawing vehicle, and

(*c*) not itself a part either of the semi-trailer or of the drawing vehicle;

"engineering plant" means movable plant or equipment being a motor vehicle or trailer (not constructed primarily to carry a load) especially designed and constructed for the special purposes of engineering operations;

"living van" means a vehicle whether mechanically propelled or not which is used primarily as living accommodation by one or more persons, and which is also used for the carriage of goods which are not needed by such one or more persons for the purpose of their residence in the vehicle;

"mobile crane" means a vehicle designed and constructed as a mobile crane which—

(*a*) is used on public roads only either as a crane in connection with work being carried on on a site in the immediate vicinity or for the purpose of proceeding to and from a place where it is to be used as a crane; and

(*b*) when so proceeding neither carries nor hauls any load other than such as is necessary for its propulsion or equipment;

"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;

"play bus" means a vehicle which was originally constructed to carry more than 12 passengers but which has been adapted for the carriage of play things for children (including articles required in connection with the use of those things);

"road construction vehicle" means a vehicle constructed or adapted for use for the conveyance of built-in road construction machinery and not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of that machinery;

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(**a**) O.J. No. L164/1 of 27.7.70
(**b**) O.J. No. L181/1 of 4.7.73
(**c**) O.J. No. L334/5 of 24.12.77
(**d**) S.R. 1979 No. 121 as amended by S.R. 1980 No. 83

"semi-trailer" means a trailer which is constructed or adapted to form part of an articulated vehicle;

"tower wagon" means a vehicle—

(*a*) into which there is built, as part of the vehicle, any expanding or extensible contrivance designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment; and

(*b*) which is neither constructed nor adapted for use, nor used, for the conveyance of any load, except such a contrivance and articles used in connection therewith;

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

"vehicle" means a goods vehicle;

"works truck" means a motor vehicle (other than a straddle carrier) 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.".

(2) For regulation 5(2) there shall be substituted—

"(2) Where the notice is in respect of a trailer it shall show the identification mark allotted to the trailer by the Department prior to its first examination and the said mark shall, when the trailer is presented for examination, be permanently affixed to the chassis of the main structure of the trailer in a conspicuous and easily accessible position so as to be readily legible.

(3) Where after examining the vehicle the Department is satisfied that it complies with—

(*a*) the statutory requirements relating to the construction and condition of motor vehicles, their accessories and equipment; and

(*b*) as regards a vehicle in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, the requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be affixed to such equipment,

it shall grant a certificate.

(4) For the purposes of paragraph (3) the examination shall include the items in Schedule 3 applicable to the vehicle being examined.".

(3) In regulation 7(3) "within 28 days from such service" shall be deleted.

(4) In regulation 8 for the Table there shall be substituted—

(**a**) 1972 c. 10 (N.I.) as amended by 1982 c. 39

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TABLE

PART I

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

| (1) *Class of Vehicle* | (2) *Amount of Fee* |
|---|---|
| 1525 kilograms unladen or under | £7.50 |
| Over 1525 kilograms unladen | £21.00 |
| Trailer | £11.00 |

PART II

**Fee Payable on Application under Regulation 7(3)**

| (1) *Class of Vehicle* | (2) *Amount of Fee* |
|---|---|
| 1525 kilograms unladen or under | £3.75 |
| Over 1525 kilograms unladen | £10.00 |
| Trailer | £6.00 |

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(5) For regulation 9 there shall be substituted—

"*Refunds*

**9.**—(1) The fees paid in pursuance of regulation 4(3) or 7(2) or (3) shall 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;

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

(2) In this regulation—

"working day" means a day on which the centre at which the appointment was made is open to the public;

"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).".

(6) In regulation 14(1) at the end of paragraph (*b*) the word "or" and paragraph (*c*) shall be deleted.

(7) For regulation 17(1)(*c*) there shall be substituted—

"(*c*) if, in the opinion of the Department, the vehicle fails to conform with the requirements referred to in regulation 5(3);".

(8) For Part IV there shall be substituted—

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## PART IV

## EXEMPTIONS

*Exemption from the requirement to have a goods vehicle certificate*

**19.** Article 53 of the Order shall not apply to the use of—

(1) a vehicle constructed or adapted for, and used solely for spreading material on roads to deal with frost, ice or snow;

(2) a land tractor, land locomotive or land implement;

(3) an agricultural trailer drawn on any road only by a land tractor;

(4) a vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972 and any trailer drawn by such a vehicle;

(5) a vehicle for the time being licensed under the Vehicles (Excise) Act 1971(**a**);

(6) a trailer brought into Northern Ireland and having a base outside Northern Ireland from which the use of a vehicle on a journey is normally commenced, a period of 12 months not having elapsed since the vehicle in question was last brought into Northern Ireland;

(7) a pedestrian controlled vehicle;

(8) a track laying vehicle;

(9) a steam propelled vehicle;

(10) a vehicle during the period of 12 months from the date of its being registered for the first time under the Vehicles (Excise) Act (Northern Ireland) 1972 or the corresponding Great Britain legislation:

Provided that where a vehicle has been used on roads (whether in Northern Ireland or elsewhere) before being so registered, the said Article shall not apply to the use of the vehicle during the period of 12 months from the date of its manufacture rather than from the date of its being so registered.

For the purposes of this proviso—

(*a*) there shall be disregarded the use of a vehicle—

(i) before it is sold or supplied by retail, or

(ii) before it is registered by the Department under section 19(1)(*b*) of the Vehicles (Excise) Act (Northern Ireland) 1972 (registration when Department receives from a motor dealer particulars of a

(a) 1971 c. 10

vehicle to which the dealer has assigned a mark under section 20 of that Act) and after a mark is so assigned to it;

(*b*) the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in the said excepted case shall be taken to be the last day of the year during which the modifications are completed; and

(*c*) "sold or supplied by retail" means first sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration;

(11) a mobile crane;

(12) a break-down vehicle;

(13) engineering plant;

(14) a trailer being drying or mixing plant designed for the production of asphalt or a bituminous or tar macadam;

(15) a tower wagon;

(16) a road construction vehicle or a road roller;

(17) a works truck, a straddle carrier used solely as a works truck, and a works trailer;

(18) a vehicle used solely for clearing frost, ice or snow from roads by means of a snow plough or similar contrivance whether forming part of the vehicle or not;

(19) a vehicle used for no other purpose than for the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;

(20) a living van the unladen weight of which does not exceed 1525 kilograms;

(21) a vehicle constructed or adapted for, and used primarily for the purpose of carrying equipment permanently fixed to the vehicle which equipment is used for medical, dental, veterinary, health, educational, display, clerical or experimental laboratory purposes, such use not directly involving the sale, hire or loan of goods from the vehicle;

(22) a trailer which has no other brakes than a parking brake and brakes which automatically come into operation on the over-run of the trailer;

(23) a vehicle to which any of the statutory requirements referred to in regulation 5(3)(*a*) do not apply by virtue of either of the following provisions of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976 namely—

(*a*) regulation 4(2) (which relates to vehicles proceeding to a port for export),

(*b*) regulation 4(7) (which relates to vehicles in the service of a visiting force or of a headquarters);

(24) a vehicle equipped with new or improved equipment or types of equipment and used solely by a manufacturer of vehicles or their equipment or by an importer of vehicles, for or in connection with the test or trial of any such equipment;

(25) a vehicle brought into Northern Ireland and displaying a registration mark described in regulation 5 of the Motor Vehicles (International Circulation) Regulations 1971(a), a period of 12 months not having elapsed since the vehicle in question was last brought into Northern Ireland;

(a) S.I. 1971/937

(26) a vehicle having a base or centre on Rathlin Island from which the use of the vehicle on a journey is normally commenced;

(27) a vehicle first used before 1st January 1940, which is used unladen and not drawing a laden trailer, and a trailer manufactured before 1st January 1940 and used unladen,

For the purposes of this paragraph any determination as to when a motor vehicle is first used shall be made as provided in regulation 3(2) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976;

(28) a three wheeled vehicle designed for the purpose of road cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies;

(29) a vehicle designed and used for the purpose of servicing or controlling (or loading or unloading) aircraft while so used—

(*a*) on an aerodrome as defined in section 19(1) of the Aerodromes Act (Northern Ireland) 1971(**a**); or

(*b*) on a road outside such an aerodrome if, except when proceeding directly from one part of such an aerodrome to another part thereof, the vehicle is unladen and is not drawing a laden trailer;

(30) a vehicle designed for use, and used on an aerodrome mentioned in paragraph (29) solely for the purpose of road cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools;

(31) a heavy motor car or a motor car constructed or adapted for the purpose of forming part of an articulated vehicle and which is used for drawing only a trailer falling within a class of vehicle specified in paragraphs (20), (21) or (22) or a trailer being used for or in connection with any purpose for which it is authorised to be used on roads by an order under Article 29(3) of the Order;

(32) a play bus;

(33) a trailer, not being a converter dolly or a semi-trailer, the unladen weight of which does not exceed 1020 kilograms; or

(34) a vehicle for any of the following purposes—

(*a*) for submitting it by previous arrangement for, or bringing it away from, or in the course of, an examination under regulation 5 or 7;

(*b*) where a certificate is refused under regulation 6—

(i) for 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 further examination the defects on the ground of which the certificate was refused, or

(ii) for delivering it, by towing it, to a place where it is to be broken up;

(*c*) for any purpose connected with its removal, detention, seizure, condemnation or forfeiture under any provision of the Customs and Excise Management Act 1979(**b**);

(*d*) for the purpose of being driven or drawn unladen by a vehicle driven under a trade licence issued under section 16(1) of the Vehicles (Excise) Act (Northern Ireland) 1972;

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(**a**) 1971 c. 15 (N.I.)
(**b**) 1979 c. 2

(*e*) where it has been imported for the first time into Northern Ireland for the purpose of being driven or drawn after arrival in Northern Ireland to a place where it is to be kept by the person importing the vehicle or by any other person on whose behalf the vehicle has been imported,

In this paragraph any such importation as is referred to in paragraph (25) shall be disregarded;

(*f*) for any purpose for which the vehicle is authorised to be used on roads by an order under Article 29(3) of the Order;

(*g*) removing the vehicle in pursuance of bye-laws made under Article 107(1) or removing it under Article 171(2) of the Order or Article 30 of the Pollution Control and Local Government (Northern Ireland) Order 1978(a).".

(9) After Schedule 2 there shall be inserted—

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SCHEDULE 3 (see regulation 5(4))

**Items included in examination**

1. BRAKING SYSTEMS

1.1 Service brake
- 1.1.1 Mechanical condition
- 1.1.2 Efficiency
- 1.1.3 Balance
- 1.1.4 Vacuum pump and compressor

1.2 Secondary brake
- 1.2.1 Mechanical condition
- 1.2.2 Efficiency
- 1.2.3 Balance

1.3 Parking brake
- 1.3.1 Mechanical condition
- 1.3.2 Efficiency

1.4 Trailer or semi-trailer brakes
- 1.4.1 Mechanical condition
- 1.4.2 Efficiency

2. STEERING AND STEERING WHEEL

- 2.1 Mechanical condition
- 2.2 Steering wheel
- 2.3 Steering play

3. VISIBILITY

- 3.1 Field of vision
- 3.2 Condition of glass
- 3.3 Rear-view mirrors
- 3.4 Windscreen wipers
- 3.5 Screenwashers

4. LAMPS, REFLECTORS AND ELECTRICAL EQUIPMENT

4.1 Main and dipped-beam headlamps

(a) S.I. 1978/1049 (N.I. 19)

4.1.1 Condition and operation
4.1.2 Alignment
4.1.3 Switches
4.1.4 Visual efficiency

4.2 Side lamps
4.2.1 Condition and operation
4.2.2 Colour and visual efficiency

4.3 Stop lamps
4.3.1 Condition and operation
4.3.2 Colour and visual efficiency

4.4 Direction-indicator lamps
4.4.1 Condition and operation
4.4.2 Colour and visual efficiency
4.4.3 Switches
4.4.4 Flashing frequency

4.5 Front and rear fog lamps
4.5.1 Position
4.5.2 Condition and operation
4.5.3 Colour and visual efficiency

4.6 Reversing lamps
4.6.1 Condition and operation
4.6.2 Colour and visual efficiency

4.7 Reflex reflectors
— Condition and colour

4.8 Tell-tales
— Trafficators and rear fog lamp

4.9 Electrical connections between tractor vehicle and trailer or semi-trailer

4.10 Electrical wiring

5. AXLES, WHEELS, TYRES, SUSPENSION
5.1 Axles
5.2 Wheels and tyres
5.3 Suspension

6. CHASSIS AND CHASSIS ATTACHMENTS

6.1 Chassis or frame and attachment
6.1.1 General condition
6.1.2 Exhaust pipes and silencers
6.1.3 Fuel tank and pipes
6.1.4 Spare wheel carrier
6.1.5 Coupling mechanism on tractor vehicles, trailers and semi-trailers

6.2 Cab and bodywork
6.2.1 General condition
6.2.2 Mounting
6.2.3 Doors and locks
6.2.4 Floor
6.2.5 Driver's seat
6.2.6 Running boards

7. OTHER EQUIPMENT
   - 7.1 Audible warning device
   - 7.2 Speedometer (presence of)
   - 7.3 Tachograph (presence of, and integrity of seals)

8. NUISANCE
   - 8.1 Check of exhaust system for leaks

9. VEHICLE IDENTIFICATION
   - 9.1 Registration number plate
   - 9.2 Chassis number

*Amendments to the Road Traffic (Northern Ireland) Order 1981*

**4.** In the Order—

(1) After Article 2(3) there shall be inserted—

"(3A) For the purposes of this Order—

(*a*) a trailer with an unladen weight exceeding 1020 kilograms; or

(*b*) any other vehicle with an unladen weight exceeding 1525 kilograms, shall be taken to be a vehicle with a maximum permissible weight exceeding 3500 kilograms.".

(2) In Article 53(3) (vehicles to which Article 53 does not apply)—

(*a*) in sub-paragraph (*f*) after the word "vehicle" there shall be inserted "having a maximum permissible weight not exceeding 3500 kilograms", and

(*b*) for sub-paragraph (*g*) there shall be substituted—

"(*g*) to the use of a vehicle for police or fire brigade purposes;".

(3) For Article 214(3) (application of Order to the Crown) there shall be substituted—

"(3) Subject to the foregoing paragraphs, the provisions of this Order, other than the provisions of Articles 53 and 54 in so far as they apply to vehicles having a maximum permissible weight not exceeding 3500 kilograms, Article 58(1) in so far as it applies to regulations for the purpose of those Articles in respect of such vehicles, Articles 55 to 57, 58(2) and Part VIII, shall bind the Crown."

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 30th November 1982.

(L.S.) *J. M. Irvine*
Assistant Secretary

The Department of Finance and Personnel hereby approves of regulation 3(4) and (5).

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 30th November 1982.

(L.S.) *J. M. Dowdall*
Assistant Secretary

EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Goods Vehicles (Certification) Regulations (Northern Ireland) 1982. The principal amendments are as follows:—

1. The identification mark allotted to a trailer is required to be fixed permanently to the trailer when it is presented for examination (regulation 3(2)).

2. For the purposes of obtaining a goods vehicle certificate for a vehicle to which the Community Recording Equipment Regulation (as defined in these Regulations) applies the vehicle must comply with the requirements of that Regulation as to the installation of recording equipment (a tachograph) in certain goods vehicles and the seals to be affixed to such equipment (regulation 3(2)).

   This provision implements Council Directive 77/143/EEC (approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (O.J. No. L47, 18.2.77, p. 47)) as respects the requirements for a periodic check for the presence of a tachograph, and the presence of, and the integrity of the seals on, a tachograph in goods vehicles as specified in paragraph 7.9 of Annex II to that Directive.

3. The items included in the annual examination are specified (regulation 3(2) and (9)).

4. The fees payable on applications for certificates for goods vehicles (other than trailers) are increased as follows:—
   (*a*) for vehicles not exceeding 1525 kilograms unladen weight from £7.10 to £7.50;
   (*b*) for vehicles exceeding 1525 kilograms unladen weight from £16.50 to £21.00;
   (*c*) where an application is made within 21 days from a notice of refusal and the vehicle brought for re-examination on the date arranged by the Department of the Environment—
      (i) for vehicles not exceeding 1525 kilograms unladen weight from £3.55 to £3.75,
      (ii) for vehicles exceeding 1525 kilograms unladen weight from £8.00 to £10.00.

   The fee payable on applications for certificates for trailers is £11.00 and for re-examinations in the circumstances described in paragraph (*c*) above £6.

5. Additional classes of vehicles are exempted from the requirement to have a goods vehicle certificate. These include—
   (*a*) vehicles designed or used for special purposes,
   (*b*) certain vehicles used for engineering operations,
   (*c*) certain works vehicles,
   (*d*) vehicles brought into Northern Ireland on a temporary basis,
   (*e*) certain vehicles used on aerodromes,
   (*f*) vehicles based on Rathlin Island,
   (*g*) vehicles used by manufacturers or importers,

(*h*) vehicles going to or returning from a vehicle inspection centre for the purposes of an examination under these Regulations,

(*i*) trailers with an unladen weight not exceeding 1020 kilograms (regulation 3(8)).

6. The exemptions provided by Articles 53(3)(*f*) and (*g*) and 214(3) of the Road Traffic (Northern Ireland) Order 1981 are removed in respect of—

(*a*) vehicles with a maximum permissible weight of 3500 kilograms or above used for certain purposes by district councils,

(*b*) vehicles used for ambulance purposes, and

(*c*) Crown vehicles with a maximum permissible weight of 3500 kilograms or above (regulation 4).