EXPLANATORY MEMORANDUM TO

The Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2012

SR no. 148

The Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) 2012

SR no. 149

The Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2012

SR no. 150

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rules (details above) which are laid before the Northern Ireland Assembly.

1.2. The Statutory Rules are made under Articles 55(1) and (2), 61(2) and (6), 65(1) and (2) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and are subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of these Regulations is to amend the following Regulations to comply with Commission Directive 2010/48/EU.

2.1.1. The Motor Vehicle Testing Regulations (Northern Ireland) 2003.

2.1.2. The Goods Vehicles (Testing) Regulations (Northern Ireland) 2003.

2.1.3. The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999.

3. Background

3.1. The Motor Vehicle Testing Regulations (Northern Ireland) 2003 are amended as follows.

3.1.1. Paragraph 2(c) of Schedule 2 is amended by inserting references to hazard warning signals and side marker lamps and end outline marker lamps in the items to be tested.

3.1.2. Schedule 3 is also amended by adding supplementary restraint systems and electronic stability control systems to the list of items to which regard is given during an examination.

3.2. The Goods Vehicles (Testing) Regulations (Northern Ireland) 2003 is amended as follows.

3.2.1. To extend the glass transparency requirements currently applicable to cars to include goods vehicles. Two additional items have been added to

the list of items to be inspected as part of a vehicle test. The amendments are in Schedule 3.

3.2.1.1. Item 5 in paragraph 1 is amended to include reference to regulations 36 and 37 and the subject matter to include the word "glass".

3.2.1.2. Paragraph 6 of Schedule 3 is also amended to add references to supplementary restraint systems and electronic stability control system.

3.3. Regulation 24(5) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 is amended in regards to the efficiency limit for brakes to increase the braking efficiency requirements for vehicles when not towing a trailer from 50% to 58%. This new limit is to apply to vehicles first used from the 1st January 2012.

4. Consultation

4.1. The Department accordingly issued a consultation on 14 November 2011 to 2 January 2012.

5. Equality Impact

5.1. The legislative changes were subject to an Equality Impact Screening assessment, and were assessed as having no impact on any Section 75 groups. No further equality assessments were therefore carried out.

6. Regulatory Impact

6.1. The legislative changes will have no measurable impact on the voluntary, private or public sectors, therefore an full Impact Assessment was not considered to be required.

7. Financial Implications

7.1. There are no proposals to increase test fees to address these changes and accordingly no cost implications for the motoring public.

8. Section 24 of the Northern Ireland Act 1998

8.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The legislative changes make the minimum necessary amendments to ensure the implementation of Commission Directive 2010/48/EU.

10. Parity or Replicatory Measure

10.1. The legislative changes will ensure that vehicle testing in Northern Ireland remains identical to vehicle testing in Great Britain.

11. Additional Information

11.1. Not applicable.

DEPARTMENT of the ENVIRONMENT

TRANSPOSITION TABLE

COMMISSION DIRECTIVE 2010/48/EU of 5 July 2010 adapting to technical progress Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers.

These regulations do what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure coherence in the area to which they apply.

Article	**Objectives**	**Implementation**	**Responsibility**
Article 2	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2011 at the latest, with the exception of the provisions of paragraph 3 of Annex II, which shall apply as of 31 December 2013. Items to be compulsory tested during road worthiness tests.	The Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2012, the Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) 2012 and the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2012 amend existing Regulations to comply with Commission Directive 2010/48/EU.	Department of the Environment
Annex II Paragraph 3	**VISIBILITY** Field of vision Condition of glass	In regulation 2 of the Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) 2012, item 5 in paragraph 1 of Schedule 3 to the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003, is amended to include reference to regulations 36 and 37 and the subject matter to include the word “glass”.	Department of the Environment
4.2	**LAMPS, REFLECTORS AND ELECTRICAL EQUIPMENT** Front and rear position lamps, side marker lamps and end outline marker lamps	Regulation 3 of the of the Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2012 adds side marker lamps and end outline marker lamps.	Department of the Environment
Paragraph 4.4	**LAMPS, REFLECTORS AND ELECTRICAL EQUIPMENT** Direction indicator and hazard warning lamps	Regulation 3 of the of the Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2012 adds references Hazard Warning Signals, Side Marker Lamps and End Outline Marker Lamps	Department of the Environment
Paragraph 7.1.6	**OTHER EQUIPMENT** SRS Systems	In regulation 2 paragraph (5) of the Goods Vehicles	Department of the Environment

		(Testing) (Amendment) Regulations (Northern Ireland) 2012 and regulation 4 of the Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2012 add references to supplementary restraint systems.	
Paragraph 7.12	**OTHER EQUIPMENT** Electronic Stability Control (ESC) if fitted/ required	In regulation 2 paragraph (5) of the Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) 2012 and regulation 4 of the Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2012 adds references to electronic stability control system	