
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART IV

GENERAL PROVISIONS AS TO REGULATION OF MOTOR VEHICLES

Articles 28-31 rep. by 1995 NI 18

[^{F1}Approval of design, construction, etc., of motor vehicles

31A.—(1) Without prejudice to [^{F2} Article 55 of the Order of 1995], 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.

Status: Point in time view as at 12/04/2010.

Changes to legislation: Road Traffic (Northern Ireland) Order 1981, PART IV is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(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^[F3] Articles 31B to 31G]

^[F3]“certificate of conformity” (except in the expression EC certificate of conformity) means a certificate issued under paragraph (3);]

“conform” means conform in all respects or with any permitted variation;

^[F3]“EC certificate of conformity” means any certificate of conformity issued by a manufacturer—

(a) under regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(b) ^[F4]in the case of a vehicle to which the motorcycle type approval Directive applies, any certificate of conformity—

(i) issued by a manufacturer under regulation 8(1) of the Motor Cycles Etc. (EC Type Approval) Regulations 1999, whether before, on or after 9th November 2003, or

(ii) issued by a manufacturer under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval directive or to Article 7(1) of the Council Directive [92/61/EEC](#) of 30th June 1992 relating to the type approval of two or three-wheeled motor vehicles;]

which is expressed to be a certificate for a complete or completed vehicle;

“light passenger vehicle” means any motor vehicle which—

(a) has at least 4 wheels,

(b) is equipped with an internal combustion engine,

(c) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,

(d) has no more than 8 seats in addition to the driver's seat, and

(e) has a maximum design speed exceeding 25 kilometres per hour,

but does not include a quadricycle within the meaning of Article 1(3) of the motorcycle type approval Directive or a vehicle produced by ^[F5]the Northern Ireland Fire and Rescue Service Board for the purposes of its functions under the Fire and Rescue Services (Northern Ireland) Order 2006.]

“the light passenger vehicle type approval Directive” means Council Directive [70/156/EEC](#) of 6th February 1970 on the approximation of the laws of the member States relating to the type approval of motor vehicles and their trailers as amended by Council Directive [87/403/EEC](#) of 25th June 1987 and Council Directive [92/53/EEC](#) of 18th June 1992;

^[F4]“the motorcycle type approval Directive” means Directive [2002/24/EC](#) of the European Parliament and of the Council of 18th March 2002 relating to the type approval of two or three-wheel motor vehicles and repealing Council Directive [92/61/EEC](#), as corrected by a Corrigendum of 22nd February 2003;]]

“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).

F1 [1985 NI 6](#)

F2 [1995 NI 18](#)

- F3** SR 1993/246
- F4** SI 2003/1099
- F5** Art. 31A(7): words in the definition of "light passenger vehicle" substituted (1.7.2006) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(1), [Sch. 3 para. 14](#) (with arts. 49, 62); S.R. 2006/257, [art. 2\(b\)\(d\)](#)

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.

- F1** 1985 NI 6

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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.

F1 1985 NI 6

Regulations

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

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

- (a) for the examination of any motor vehicle in respect of which a Department's approval certificate is in force in the event of an alteration being made to the motor vehicle which is notifiable by virtue of a direction under Article 31B(3);
- (b) authorising the cancellation, suspension or amendment of a certificate of conformity or a Department's approval certificate on an examination in pursuance of regulations under sub-paragraph (a);
- (c) requiring the payment of fees or other charges in connection with the provision by the Department of services or facilities or the issue by it of certificates and other documents;
- (d) for the authorisation of persons to carry out examinations of motor vehicles in connection with the issue of type approval certificates, and for the imposition of conditions to be complied with by persons so authorised;
- (e) as to the form of, and particulars to be contained in, certificates of conformity and for the supply by the Department of forms for such certificates;
- (f) for the issue of duplicates of certificates of conformity and Department's approval certificates which have been lost or defaced and for the payment of a fee for their issue;
- (g) requiring persons empowered by Article 31A to issue certificates of conformity to keep records of such certificates issued by them and of the motor vehicles in respect of which such certificates are issued, and authorising the inspection of such records by such persons and in such circumstances as may be prescribed.

(3) Regulations under paragraph (1) may provide that where application is made for a licence under^{F6} the Vehicle Excise and Registration Act 1994] for a motor vehicle to which regulations made under Article 31E(1) apply, the licence shall not be granted unless—

- (a) on the first application after the day appointed by regulations made under Article 31E(1) for a licence for the motor vehicle there is produced such evidence as may be prescribed that there is or are one or more certificates in force under either Article 31A or any corresponding enactment having effect in Great Britain from which it appears that the motor vehicle complies with all the relevant type approval requirements prescribed by those regulations;

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- (b) there is made such a declaration as may be prescribed that the motor vehicle is not intended to be used during the period for which the licence is to be in force except as exempted by regulations under Article 31E(4) (a); or
- (c) there is produced in respect of the motor vehicle a certificate of temporary exemption issued by virtue of Article 31E(4) (b) which exempts the motor vehicle from the provisions of Article 31E(1) for a period which includes the date on which the licence is to come into force.

[
^{F7}(3A) The requirement set out in sub-paragraph (a) of paragraph (3) shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity has effect with respect to the vehicle.]

- (4) The Department may make regulations—
 - (a) applying, with such adaptations and modifications as the Department thinks fit, all or any of the provisions of Articles 31A to 31C and of regulations under paragraph (1), so far as relating to type approval certificates and certificates of conformity, to motor vehicles manufactured in a country outside the United Kingdom;
 - (b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Part prescribed by the regulations as a type approval certificate or as a certificate of conformity;
 - (c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any certificate treated as described in sub-paragraph (b).

F1	1985 NI 6
F6	1994 c.22
F7	SR 1993/246

Offences, etc., relating to type approval

31E.—(1) If any person at any time on or after the day appointed by regulations made by the Department uses or causes or permits to be used on a road a motor vehicle in relation to which type approval requirements prescribed by those regulations apply or a motor vehicle to which is fitted a vehicle part in relation to which type approval requirements prescribed by those regulations apply, and it does not appear from one or more certificates then in force under Article 31A or under any corresponding enactment having effect in Great Britain that the motor vehicle or vehicle part complies with those requirements, he shall be guilty of an offence under this Order.

[
^{F8}(1A) For the purposes of paragraph (1) a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.]

(2) Any person who uses or causes or permits to be used on a road a motor vehicle when an alteration has been made to the motor vehicle or its equipment which is required by directions under Article 31B to be, but has not been, notified to the Department shall be guilty of an offence under this Order.

(3) A person shall not be convicted of an offence under paragraph (2) if he proves that the alteration was not specified in the relevant Department's approval certificate under Article 31B(4).

- (4) The Department may by regulations—
 - (a) exempt from paragraphs (1) and (2) the use of motor vehicles for prescribed purposes; and
 - (b) make provision for the issue in respect of a motor vehicle or vehicle part in prescribed circumstances of a certificate of temporary exemption exempting that motor vehicle or vehicle part from paragraph (1) for such period as may be specified in the certificate.

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(5) If any person at any time on or after the day appointed by regulations under paragraph (1) sells, supplies or offers to sell or supply or exposes for sale a motor vehicle or vehicle part in relation to which those regulations apply, and it does not appear from one or more certificates then in force under Article 31A or under any corresponding enactment having effect in Great Britain that the motor vehicle or vehicle part complies with the relevant type approval requirements prescribed by those regulations, he shall be guilty of an offence under this Order.

[
^{F8}(5A) For the purposes of paragraph (5) a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.]

- (6) A person shall not be convicted of an offence under paragraph (5) if he proves—
- (a) that the motor vehicle or vehicle part was sold, supplied, offered or exposed for sale, as the case may be, for export outside the United Kingdom; or
 - (b) that he had reasonable cause to believe—
 - (i) in the case of a motor vehicle, that the motor vehicle would not be used on a road in the United Kingdom or would not be so used until it had been certified as complying with the relevant type approval requirements; or
 - (ii) in the case of a vehicle part, that the vehicle part would not be fitted to a motor vehicle used on a road in the United Kingdom or would not be so fitted until it had been certified as complying with relevant type approval requirements, or
 - (iii) that the motor vehicle or vehicle part would be used only as exempted by regulations under paragraph (4)(a) or (b).

(7) Nothing in this Article shall affect the validity of any contract or any rights arising under a contract.

F1	1985 NI 6
F8	SR 1993/246

[^{F9}Failure to hold EC certificate of conformity for unregistered light passenger vehicle]^{F10} or motor cycle]

31F.—(1) Subject to paragraphs (2) to (5), if a person uses on a road a light passenger vehicle]^{F10} or a vehicle to which the motorcycle type approval Directive applies]

- (a) which has not been registered—
 - (i) under section 19 of the Vehicles (Excise) Act 1971, or
 - (ii) under the law of a member State other than the United Kingdom, and
- (b) in respect of which no EC certificate of conformity has effect,

he shall be guilty of an offence under this Order.

(2) A person shall not be convicted of an offence under paragraph (1) in respect of]^{F10} the use of a light passenger vehicle] if he proves—

- (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
- (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

[

^{F10}(2A) A person shall not be convicted of an offence under this Article in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.]

(3) This Article does not apply in relation to a vehicle in respect of which a Department's approval certificate issued under Article 31A(4) of this Order or a Minister's approval certificate issued under section 58(1) of the Road Traffic Act 1988 has effect.

(4) This Article does not apply to the use of a vehicle under a trade licence (within the meaning of the Vehicles (Excise) Act 1971) in accordance with regulations made under section 16(2) of that Act.

(5) This Article does not apply in relation to a vehicle brought temporarily into Northern Ireland by a person resident outside the United Kingdom.

[
^{F10}(6) In the application of this Article to a vehicle to which the motorcycle type Approval Directive applies, any reference to a member State includes a reference to an EEA State.]

F1	1985 NI 6
F9	SR 1993/246
F10	SI 1999/2920

Light passenger vehicles^{F11} or vehicle to which the motorcycle type approval Directive applies] not to be sold without EC certificate of conformity

31G.—(1) Subject to paragraphs (3) to (6), any person who supplies a light passenger vehicle^{F11} or a vehicle to which the motorcycle type approval Directive applies]

- (a) which has not been registered—
 - (i) under section 19 of the Vehicles (Excise) Act 1971, or
 - (ii) under the law of a member State other than the United Kingdom, and
- (b) in respect of which no EC certificate of conformity has effect,

shall be guilty of an offence under this Order.

(2) In this Article references to supply include—

- (a) sell,
- (b) offer to sell or supply, and
- (c) expose for sale.

(3) A person shall not be convicted of an offence under paragraph (1) in respect of^{F11} the supply of a light passenger vehicle] if he proves—

- (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
- (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

[
^{F11}(3A) A person shall not be convicted of an offence under this Article in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act

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1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.]

(4) A person shall not be convicted of an offence under paragraph (1) in respect of the supply of a vehicle if he proves—

(a) that it was supplied for export from the United Kingdom to a country which is not a member State, or

(b) that he had reasonable cause to believe—

(i) that it would not be used on a road in the United Kingdom or any other member State, or

(ii) that it would not be so used until an EC certificate of conformity had been issued in respect of it.

(5) This Article does not apply in relation to the supply of a vehicle—

(a) to the Crown for naval, military or air force purposes,

(b) for the purposes of the military forces if any country outside the United Kingdom,

Sub-para. (c) rep. by 2004 c. 36

(d) to the Police Authority for Northern Ireland for police purposes, or

(e) to any public authority in a member State outside the United Kingdom which has responsibilities for maintaining public order.

(6) This Article does not apply in relation to a vehicle in respect of which a Department's approval certificate issued under Article 31A(4) of this Order or a Minister's approval certificate issued under section 58(1) of the Road Traffic Act 1988 has effect.

(7) Nothing in paragraph (1) shall affect the validity of a contract of any rights arising under or in relation to a contract.

[
^{F11}(8) In the application of this Article to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.]

F1	1985 NI 6
F9	SR 1993/246
F11	SI 1999/2920

Articles 32-49 rep. by 1995 NI 18

Articles 50-52 rep. by 1997 NI 2]]

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