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## STATUTORY INSTRUMENTS

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# 1981 No. 154

## Road Traffic (Northern Ireland) Order 1981

### PART IV

#### GENERAL PROVISIONS AS TO REGULATION OF MOTOR VEHICLES

##### *[<sup>F1</sup> Approval of design, construction, etc., of motor vehicles*

**31A.**—(1) Without prejudice to [<sup>F2</sup> 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.

*Changes to legislation: Road Traffic (Northern Ireland) Order 1981, Section 31A is up to date with all changes known to be in force on or before 24 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) View outstanding changes*

(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<sup>F3</sup> Articles <sup>F4</sup>31B to 31E]]

<sup>F3</sup>“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;

<sup>F3</sup><sup>F5</sup>“EC certificate of conformity” means—

- (a) in the case of a light passenger vehicle, a certificate of conformity issued by a manufacturer under—
  - (i) regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992,
  - (ii) regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998,
  - (iii) regulation 15(1) or 20(4) of the Road Vehicles (Approval) Regulations 2009, <sup>F6</sup> ...
  - (iv) any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive or Article 18 of the road vehicles type approval Directive<sup>F7</sup>, or
  - (v) Article 36 or 37 of the road vehicles type approval Regulation]
- (b) in the case of a vehicle to which the motorcycle type approval Regulation applies, a certificate of conformity issued by a manufacturer under Article 38 of that Regulation;
- (c) in the case of a vehicle to which the tractor type approval Regulation applies, a certificate of conformity issued by a manufacturer under Article 33 of that Regulation;
- (d) in the case of any other vehicle, a certificate of conformity issued by a manufacturer under—
  - (i) regulation 15(1) of the Road Vehicles (Approval) Regulations 2009, <sup>F8</sup> ...
  - (ii) any provision of the law of a member State other than the United Kingdom giving effect to Article 18 of the road vehicles type approval Directive; <sup>F9</sup>, or
  - (iii) Article 36 or 37 of the road vehicles type approval Regulation ]]

“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 <sup>F10</sup>4] of the motorcycle type approval <sup>F11</sup>Regulation] or a vehicle produced by <sup>F12</sup>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;

<sup>F13</sup> .....]

“motor vehicle” includes a vehicle part;

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[<sup>F14</sup>“the motorcycle type approval Regulation” means Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15th January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles as it may be amended from time to time;]

“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;

[<sup>F15</sup>“the road vehicles type approval Directive” means [Directive 2007/46/EC](#) of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers and of systems, components and separate technical units intended for such vehicles;]

[<sup>F16</sup>“the road vehicles type approval Regulation” means Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles;]

[<sup>F15</sup>“the tractor type approval Regulation” means Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5th February 2013 on the approval and market surveillance of agricultural and forestry vehicles as it may be amended from time to time;]

“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** Words in art. 31A(7) substituted (20.5.2018) by [The Motorcycles \(Type-Approval\) Regulations 2018 \(S.I. 2018/235\)](#), reg. 1(b), **Sch. 2 para. 2(3)(a)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F5** Words in art. 31A(7) substituted (29.3.2019) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/648\)](#), regs. 1(b)(i), **4(2)(a)** (as amended by [S.I. 2019/691](#), reg. 2)
- F6** Word in art. 31A(7) omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), reg. 1(b), **Sch. 6 para. 7(2)(a)(i)(aa)** (with Sch. 4 paras. 16, 17)
- F7** Words in art. 31A(7) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), reg. 1(b), **Sch. 6 para. 7(2)(a)(i)(bb)** (with Sch. 4 paras. 16, 17)
- F8** Word in art. 31A(7) omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), reg. 1(b), **Sch. 6 para. 7(2)(a)(ii)(aa)** (with Sch. 4 paras. 16, 17)
- F9** Words in art. 31A(7) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), reg. 1(b), **Sch. 6 para. 7(2)(a)(ii)(bb)** (with Sch. 4 paras. 16, 17)
- F10** Word in art. 31A(7) substituted (20.5.2018) by [The Motorcycles \(Type-Approval\) Regulations 2018 \(S.I. 2018/235\)](#), reg. 1(b), **Sch. 2 para. 2(3)(c)(i)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F11** Word in art. 31A(7) substituted (20.5.2018) by [The Motorcycles \(Type-Approval\) Regulations 2018 \(S.I. 2018/235\)](#), reg. 1(b), **Sch. 2 para. 2(3)(c)(ii)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F12** 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)**
- F13** Words in art. 31A(7) omitted (20.5.2018) by virtue of [The Motorcycles \(Type-Approval\) Regulations 2018 \(S.I. 2018/235\)](#), reg. 1(b), **Sch. 2 para. 2(3)(d)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F14** Words in art. 31A(7) inserted (20.5.2018) by [The Motorcycles \(Type-Approval\) Regulations 2018 \(S.I. 2018/235\)](#), reg. 1(b), **Sch. 2 para. 2(3)(e)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F15** Words in art. 31A(7) inserted (29.3.2019) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/648\)](#), regs. 1(b)(i), **4(2)(b)** (as amended by [S.I. 2019/691](#), reg. 2)

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**F16** Words in art. 31A(7) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), reg. 1(b), **Sch. 6 para. 7(2)(b)** (with Sch. 4 paras. 16, 17)

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### Changes and effects yet to be applied to :

- Instrument amended by [1994 c. 22 s. 63 Sch.3 para 17](#)
- Instrument rev. in Pt. by [1994 c. 22 s. 65 Sch.5 Pt II](#)
- art. 31A(4) words inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words added by [S.I. 1999/2920 Sch. 2 para. 6\(2\)\(b\)](#) (Amendment not applied due to conflicting text as a result of earlier amendments by SR 1993 246)
- art. 31A(7) words inserted by [S.I. 1999/2920 Sch. 2 para. 6\(2\)\(a\)](#) (Amendment not applied due to conflicting text as a result of earlier amendments by SR 1993 246)
- art. 31A(7) words inserted by [S.I. 1999/2920 Sch. 2 para. 6\(3\)](#) (Amendment not applied due to conflicting text as a result of earlier amendments by SR 1993 246)
- art. 31A(7) words inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(d\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(d\)\(ii\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(d\)\(ii\)\(cc\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(d\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(d\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words inserted by S.I. 2019/648, reg. 5(2)(d)(ii)(aa)(ii) (as substituted) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words inserted by S.I. 2019/648, reg. 5(2)(d)(ii)(dd)(ii) (as substituted) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words omitted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(d\)\(ii\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(2)(d)(ii)(aa) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(4)(c)(i) and then reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words omitted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(d\)\(ii\)\(dd\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(2)(d)(ii)(dd) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(4)(c)(ii) and then reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(7) words omitted by virtue of S.I. 2019/648, reg. 5(2)(d)(ii)(aa)(i) (as substituted) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))

- art. 31A(7) words omitted by virtue of S.I. 2019/648, reg. 5(2)(d)(ii)(dd)(i) (as substituted) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Order Blanket amendment by [2009 c. 1 \(N.I.\) Sch. 6 para. 1\(1\)\(b\)](#)

**Whole provisions yet to be inserted into this Order (including any effects on those provisions):**

- Sch. 1 Pt. 1 words inserted by [2016 c. 11 \(N.I.\) s. 18\(2\)](#)
- Sch. 7 para. 6 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on legislation.gov.)
- Sch. 7 para. 7 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on legislation.gov.)
- art. 5(2ZA)-(2ZD) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(a\)](#)
- art. 5(4A) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(b\)](#)
- art. 5A inserted by [2016 c. 11 \(N.I.\) s. 17\(2\)](#)
- art. 13(1)(c)(ia) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 4\(a\)\(ii\) Sch. 8 Pt. 5](#)
- art. 13B-13C inserted by [2016 c. 11 \(N.I.\) s. 17\(3\)](#)
- art. 15ZA inserted by [2016 c. 11 \(N.I.\) s. 18\(1\)\(c\)](#)
- art. 19D(1ZA)(1ZB) inserted by [2016 c. 11 \(N.I.\) s. 17\(4\)\(b\)](#)
- art. 19AB19AC substituted for art. 19A 19B by [2016 c. 11 \(N.I.\) s. 19\(3\)](#)
- art. 31A(2A)-(2D) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(2C) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(a) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(2C) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3A)(3B) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 174(2A)(da) inserted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(a\)\(i\)](#)
- art. 174(2AB) inserted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(b\)](#)
- art. 177(1)(ba) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(b\)](#)
- art. 177(1A) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(c\)](#)
- art. 177(3)(4) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(b\)](#)
- art.198 am. (prosp.) by [1997 c. 16 s.18 Sch.3 paras.8\(2\)9](#)
- art.198 am. (prosp.) by [1997 c. 16 s.18 Sch.3 paras.8\(2\)9](#)