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STATUTORY INSTRUMENTS

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**1995 No. 2994**

**The Road Traffic (Northern Ireland) Order 1995**

**Part III**

**Construction and Use of Vehicles and Equipment**

*Testing vehicles on roads*

**Testing of condition of vehicles on roads**

**75.**—(1) An authorised examiner may test a motor vehicle on a road or other public place for the purpose of—

- (a) ascertaining whether the following requirements, namely—
  - (i) the construction and use requirements, and
  - (ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person, are complied with as respects the vehicle;
- (b) bringing to the notice of the driver any failure to comply with those requirements.

(2) For the purpose of testing a vehicle the examiner—

- (a) may require the driver to comply with his reasonable instructions, and
- (b) may drive the vehicle.

(3) The following persons may act as authorised examiners for the purposes of this Article—

- (a) a constable authorised so to act by or on behalf of the Chief Constable;
- (b) a person appointed as an examiner under Article 74.

(4) A vehicle examiner must produce his authority to act as an authorised examiner for the purposes of this Article is required to do so.

(5) Where on testing a vehicle under paragraph (1), an authorised examiner is satisfied that one or more of the requirements mentioned in sub-paragraph (a) of that paragraph is not complied with, he may, whether or not proceedings are instituted for a breach of the requirements, serve on the owner of the vehicle a notice in writing requiring him to present the vehicle at a specified place within 14 days from service of the notice, or within such longer period as any authorised examiner may on the application of the owner of the vehicle specify in writing for further test.

(6) A notice under paragraph (5) shall specify—

- (a) in the case of the requirements mentioned in paragraph (1)(a)(i), which of these requirements is not complied with;
- (b) in the case of the requirement mentioned in paragraph (1)(a)(ii), the defects by reason of which that requirement is not complied with.

(7) On testing a vehicle under paragraph (5), an authorised examiner shall ascertain whether the requirements specified in the notice have been complied with, or as the case may be, the defects so specified have been remedied.

(8) The Department may prescribe a fee to be paid for a test under paragraph (5).

(9) Where it appears to any constable that, by reason of an accident having occurred owing to the presence of a vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out.

(10) If a person obstructs an authorised examiner acting under this Article, or fails to comply with a requirement of this Article, he is guilty of an offence.

(11) In this Article—

(a) “test” includes “inspect”, as the case may require, and

(b) references to a vehicle include references to a trailer drawn by it.