

2004 No. 247

ROAD TRAFFIC AND VEHICLES

**Goods Vehicles (Testing) (Amendment) Regulations
(Northern Ireland) 2004**

Made - - - - - *1st June 2004*

Coming into operation *3rd June 2004*

The Department of the Environment, in exercise of the powers conferred on it by Articles 69(5), 72(3) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 3rd June 2004.

(2) In these Regulations “the principal Regulations” means the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003(b).

New regulation 22A (certificates of temporary exemption)

2. After regulation 22 of the principal Regulations there shall be inserted the following regulation –

“Certificates of temporary exemption

22A.—(1) The Department may issue in respect of a vehicle a certificate of temporary exemption, by virtue of which that vehicle shall not, during the period specified in the certificate be subject to the provisions of Article 69(2) of the 1995 Order, where it is satisfied that –

- (a) by reason of exceptional circumstances, as defined in paragraph (3), affecting either a vehicle testing centre or the vehicle, an examination cannot be completed by a date fixed under these Regulations for carrying out the examination; and
- (b) the use of the vehicle on or after that date would constitute an offence under Article 69(2) of the 1995 Order.

(2) Every certificate of temporary exemption shall be signed by a person duly authorised by the Department and shall contain –

- (a) in the case of a certificate issued for a motor vehicle, the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chassis or serial number marked on the vehicle or, if no such number is so marked, the identification mark which shall have been allotted to the vehicle by the Department;
- (b) in the case of a certificate issued for a trailer, the identification mark which shall have been allotted to the trailer by the Department in the notice of appointment (if

(a) S.I. 1995/2994 (N.I. 18); see Article 2(2) for the definition of “the Department” and “prescribed”
(b) S.R. 2003 No. 304

- any) relating to the first examination of the trailer or shall have otherwise been allotted to the trailer by the Department under these Regulations;
- (c) the date on which the certificate is issued; and
 - (d) the period during which the vehicle is exempted from the provisions of Article 69(2) of the 1995 Order so, however, that no such period shall exceed three months in duration.

(3) For the purposes of paragraph (1)(a) “exceptional circumstances” means a failure in the supply of essential services or other unexpected happening, a fire, an accident or industrial action.”.

Amendment to regulation 23 (production of certificate on application for licence)

3. In regulation 23 of the principal Regulations after “test certificate” there shall be inserted “or effective certificate of temporary exemption.”.

Sealed with the Official Seal of the Department of the Environment on 1st June 2004.

(L.S.)

Stanley Duncan

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003 (the “2003 Regulations”) by making provision for the issuing of a certificate of temporary exemption and to allow such a certificate to be acceptable when applying for a licence under the Vehicle Excise and Registration Act 1994 (the “1994 Act”).

Regulation 2 creates a new regulation, 22A (certificates of temporary exemption), which makes provision for the Department of the Environment to issue a certificate of temporary exemption. Regulation 2 also prescribes the content of the certificate of temporary exemption.

Regulation 3 amends regulation 23 (production of certificate on application for licence) of the 2003 Regulations so as to allow a current certificate of temporary exemption to be an acceptable document (in lieu of a current vehicle test certificate) when making an application for a licence under the 1994 Act.

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