

2004 No. 321

ROAD TRAFFIC AND VEHICLES

**Motor Vehicle Testing (Amendment) Regulations
(Northern Ireland) 2004**

Made - - - - - *4th August 2004*

Coming into operation *9th August 2004*

The Department of the Environment, in exercise of the powers conferred on it by Articles 63(7A), 72(2) 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 Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 9th August 2004.

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

New regulation 19A (certificates of temporary exemption)

2. After regulation 19 of the principal Regulations there shall be inserted the following regulation –

“Certificates of temporary exemption

19A.—(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 63(1) 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 63(1) of the 1995 Order.

(2) Every certificate of temporary exemption 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) the date on which the certificate is issued; and

(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. 303

(c) the period during which the vehicle is exempted from the provisions of Article 63(1) of the 1995 Order so, however, that no such period shall exceed six 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 20 (production of certificate on application for licence)

3.—(1) Regulation 20 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3);

(2) In paragraph (1) after “current test certificate” there shall be inserted “or effective certificate of temporary exemption.”;

(3) In paragraph (2)(a) after “current test certificate” there shall be inserted “or effective certificate of temporary exemption.”.

Sealed with the Official Seal of the Department of the Environment on 4th August 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 Motor Vehicle Testing Regulations (Northern Ireland) 2003 by:–

- (1) Inserting a new regulation 19A (certificates of temporary exemption) which –
 - (i) empowers the Department of the Environment to issue a certificate of temporary exemption from Article 63(1) of the Road Traffic (Northern Ireland) Order 1995; and
 - (ii) prescribes the content of that certificate (regulation 2).
- (2) Amending regulation 20 (production of certificate on application for licence) so that production of an effective certificate of temporary exemption may satisfy one of the conditions for the grant of a vehicle excise licence under the Vehicle Excise and Registration Act 1994 (regulation 3).

© Crown Copyright 2004

£3.00

Published by The Stationery Office Limited

ISBN 0-337-95620-0



9 780337 956201