
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 484

**Motor Cycles Etc. (Single Vehicle Approval)
Regulations (Northern Ireland) 2004**

PART III

MISCELLANEOUS

Application for Department's approval certificate

5.—(1) An application for the issue of a Department's approval certificate on the basis that the vehicle complies with the approval requirements by virtue of these Regulations shall be made to the Department.

(2) The application shall be in a form which –

- (a) has been approved by the Department; and
- (b) has been duly completed so as to furnish all the information required by that form.

(3) The application shall be accompanied by –

- (a) the documents mentioned in the form as being required in connection with the application; and
- (b) the prescribed fee.

(4) As soon as reasonably practicable after it receives the application, the Department shall send to the applicant a notice stating the time when and the place where an examination for the purposes of the application is to be carried out.

(5) The Department may by notice to the applicant alter the time when or the place where the examination is to be carried out but it shall not alter the time to an earlier time without the consent of the applicant.

(6) Where an original application is refused, other than on the grounds that the vehicle is not a relevant vehicle, a further application by the same applicant in respect of the vehicle shall be regarded as having been made in accordance with and pursuant to paragraphs (1) to (3) if –

- (a) it is made to the Department during the period of six months beginning with the date on which the original application was refused; and
- (b) at the time that he makes the further application, the applicant requests an examination to be carried out for the purpose of the further application during that period of six months and at the place where the examination took place for the purposes of the original application.

(7) Paragraphs (4) and (5) shall not apply to an application made in accordance with paragraph (6) and in the case of such an application –

- (a) the Department shall inform the applicant in such manner as it thinks fit of the time when and the place where the examination is to be carried out;
- (b) the Department may alter the time when or the place where the examination is to be carried out but it shall not alter the time to an earlier time without the consent of the applicant;

- (c) if the Department so alters the time or place, it shall inform the applicant in such manner as it thinks fit of the time when and the place where the examination is to be carried out; and
- (d) the applicant shall pay the prescribed fee to the Department before the examination is carried out.

(8) Paragraphs (4) to (7) shall not apply to an application for the issue of a Department's approval certificate under Article 31A(5) of the 1981 Order.

Assignment of vehicle identification numbers

6.—(1) Subject to paragraph (2) when an application is made for a Department's approval certificate in accordance with paragraphs (1) to (3) of regulation 5 the Department shall assign a vehicle identification number to the vehicle to which the application relates where it appears to it that –

- (a) the vehicle does not have a vehicle identification number which –
 - (i) complies with paragraph 3.1.1 of the Annex to Directive 93/34/EC; or
 - (ii) has been previously assigned to the vehicle under this regulation; or
- (b) the vehicle does not fall within sub-paragraph (a) but has a vehicle identification number which is inadequate for the purpose of enabling it to be identified.

(2) Paragraph (1) shall not apply where the vehicle identification number of a vehicle does not correspond with the frame number or chassis number, as appropriate, of that vehicle.

Appeals

7.—(1) An appeal by a person aggrieved by a determination made by the Department pursuant to an application under regulation 5 shall be made by including with the documents submitted a form which –

- (a) has been provided by the Department; and
- (b) has been completed so as to include a description of the grounds upon which the appeal is made and such other information as may be reasonably required by that form.

(2) The prescribed time within which an appeal against such a determination may be made is 14 days beginning with the date of the determination.

(3) As soon as reasonably practicable after the date of the receipt of the appeal the Department shall send to the appellant a notice stating the time when and the place where the re-examination for the purpose of determining the issues raised on the appeal is to be carried out.

(4) The Department may by notice to the applicant alter the time when or the place where the re-examination is to be carried out, but it shall not alter the time to an earlier time without the consent of the applicant.

Refusal of application or appeal without an examination or a complete examination

8.—(1) The Department may refuse an application or appeal even though an examination has not been carried out if –

- (a) the vehicle is not submitted for examination at the time and place fixed under these Regulations for the examination;
- (b) the fee in respect of the examination is not paid at or before the time fixed under these Regulations for the examination;
- (c) the examiner is not able, with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out, to complete the examination

without the vehicle being driven or the engine run and the vehicle is not when submitted for examination, either for want of fuel or oil or for any other reason, fit to be driven or for the engine to be run to such extent as may be necessary for the purposes of carrying out the examination;

- (d) when the vehicle is submitted for the examination, the vehicle or any item which forms part of the vehicle or its equipment is so dirty or dangerous as to make it unreasonable for the examination to be carried out;
- (e) any things which are on the vehicle when it is submitted for the examination, and are not part of its equipment or accessories, are required by the examiner to be removed from the vehicle or to be secured in such manner as he may think necessary and those things are not removed or secured accordingly;
- (f) when the vehicle is submitted for the examination, a proper examination cannot be carried out as a consequence of any door, tailgate, boot lid, engine cover, fuel cap or other device designed to be capable of being readily opened, being locked or otherwise fixed so that it cannot readily be opened;
- (g) when the vehicle is submitted for the examination, its condition is such that, in the opinion of the examiner, a proper examination of the vehicle would involve a danger of –
 - (i) injury to any person, or
 - (ii) damage to the vehicle or any other property;
- (h) when the vehicle is submitted for examination, there is not permanently fixed to the frame, chassis or main structure of the vehicle in a conspicuous and easily accessible position so as to be readily legible, a vehicle identification number which –
 - (i) complies with paragraph 3.1.1 of the Annex to Directive 93/34/EC and corresponds with the frame number or chassis number, as appropriate, of the vehicle;
 - (ii) has been assigned to the vehicle under regulation 6(1); or
 - (iii) does not fall within sub-paragraph (i) or (ii) but appears to the Department to be adequate for the purpose of enabling the vehicle to be identified; or
- (i) the person who is the driver of the vehicle at the time it is submitted for the examination is requested to remain on or in it or in its vicinity throughout the examination, to drive it, to operate its controls or to remove and refit its panels and he declines to do so.

(2) Nothing in this regulation shall affect any power of the Department to refuse an application or to reject an appeal otherwise than under this regulation.

Form of certificate

9.—(1) Where a Department's approval certificate is issued under Article 31A(4) of the 1981 Order on the basis that the vehicle complies with the approval requirements by virtue of these Regulations, the certificate shall be in such form as the Department may determine and shall include the relevant particulars set out in paragraph (2).

- (2) The relevant particulars are –
 - (a) the identification number of the vehicle or its chassis number or frame number;
 - (b) the make, model, seating capacity, defect identification code, seat belt identification code, design weight and power to weight ratio of the vehicle;
 - (c) the fuel type of the vehicle;
 - (d) the location of the place at which, and the date upon which, examination of the vehicle took place; and
 - (e) the serial number of the certificate.

Replacement certificates

10.—(1) If a Department's approval certificate has been lost or defaced, an application for issue of a replacement for the original certificate may be made to the Department at the place from which the original certificate was issued.

(2) The application shall –

- (a) specify the identification number of the vehicle in respect of which the original certificate was issued; and
- (b) be accompanied by the prescribed fee.

(3) As soon as reasonably practicable after it receives the application and fee, the Department shall issue to the applicant a replacement for the certificate to which the application relates and any such replacement shall have the same effect as the certificate which it replaces and shall be marked "replacement".

Notices

11. Without prejudice to regulation 5(7)(a) and (c) every notice under these Regulations shall be in writing and may be given by post.

Obligatory certificates

12.—(1) For the purposes of Article 31E(1) of the 1981 Order –

- (a) relevant vehicles, other than an excepted vehicle, are vehicles in relation to which type approval requirements prescribed by these Regulations apply; and
- (b) the appointed day is 8th January 2005.

(2) In this regulation "excepted vehicle" means a vehicle –

- (a) which is registered;
- (b) the date of manufacture of which is such that more than ten years have elapsed since it was manufactured; or
- (c) in relation to which the requirements set out in paragraph (3) are met.

(3) The requirements referred to in paragraph (2)(c) are that –

- (a) the person by whom the vehicle is kept is a member of a visiting force or a member of the civilian component of a visiting force;
- (b) the vehicle has been imported into the European Economic Area for the personal use of the keeper or of his dependants;
- (c) there is not in force with respect to the vehicle –
 - (i) an EC certificate of conformity;
 - (ii) a Department's approval certificate issued in pursuance of these Regulations;
 - (iii) a Minister's approval certificate issued under Section 58 of the Road Traffic Act 1988(1); and
- (d) not more than one other vehicle which meets the requirements of sub-paragraphs (b) and (c) is kept in the United Kingdom by the keeper.

(4) The use of a relevant vehicle other than an excepted vehicle is exempted from Article 31E(1) of the 1981 Order if such use is –

- (a) for the purpose of submitting it (by previous arrangement for a specified time on a specified date) before it is registered for an examination pursuant to an application under these Regulations;
 - (b) for the purpose of bringing it away, before it is registered, from such an examination;
 - (c) by an examiner, or a person carrying out such an examination under his direction, for the purpose of –
 - (i) taking it to, or bringing it away from, a place where a part of the examination is to be, or has been, carried out, or
 - (ii) carrying out a part of the examination, or
 - (iii) warming up its engine in preparation for the examination, before it is so registered;
 - (d) where an application under regulation 5 is refused following such an examination, for the purpose of –
 - (i) delivering it (by previous arrangement for a specified time on a specified date) at a place where relevant work is to be done on it, or
 - (ii) bringing it away from a place where relevant work has been done on it before it is so registered.
- (5) In this regulation –
- (a) “member of a visiting force” and “member of a civilian component of a visiting force” shall bear the same meanings as in Part I of the Visiting Forces Act 1952(2); and
 - (b) “relevant work” means work done or to be done to remedy the defects on the grounds of which the application was refused (including work to alter the vehicle in some aspect of design, construction, equipment or marking on account of which the certificate was refused).

Issue of first licence

13. Where application is made for a licence under the 1994 Act for a vehicle, which by virtue of regulation 12(1)(a) is a vehicle in relation to which type approval requirements prescribed by these Regulations apply, the licence shall not be granted unless on the first application after the day appointed by regulation 12(1)(b) for a licence for that vehicle, there is produced evidence that there are one or more certificates in force for the vehicle under sections 31A and 31B of the 1981 Order from which it appears that the vehicle complies with the approval requirements.