

## **EXPLANATORY MEMORANDUM TO**

### **The Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2020**

#### **S.R. No. 197**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 63(5) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The purpose of these Regulations is to amend the Motor Vehicle Testing Regulations (Northern Ireland) 2003 ("the 2003 Regulations") to exempt motor vehicles that are of historical interest to Northern Ireland from periodic (annual) roadworthiness testing.
- 2.2. A Vehicle of Historical Interest (VHI) is defined in these Regulations as being a vehicle which the Department considers to be of historic interest to Northern Ireland and which was manufactured or first registered at least 40 years previously, is of a type no longer in production, has been historically preserved or maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components.

#### **3. Background**

- 3.1. Prior to the making of these Regulations, all motor vehicles within the scope of the 2003 Regulations and manufactured before 1 January 1960 were exempt from periodic roadworthiness testing in Northern Ireland.
- 3.2. However Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness testing of vehicles and their trailers, permits Member States to go further and exempt vehicles manufactured or first registered at least 30 years ago from testing provided certain conditions are met.
- 3.3. The Department for Transport (DfT) availed of the flexibility within the Directive and in 2018 replaced their corresponding pre-1960 exemption with a rolling exemption for VHIs manufactured more than 40 years ago. These Regulations will mean that the position in relation to VHIs in Northern Ireland will now align with the position that applies in Great Britain (GB).
- 3.4. Accordingly, these Regulations amend regulation 6 (Exemptions) of the 2003 Regulations to provide an exemption for motor vehicles considered to be of historical interest, i.e. VHIs. Such vehicles must have been manufactured or first registered at least 40 years previously, be of a type no longer in production, have been historically preserved or maintained in their original state and have not undergone substantial changes in the

technical characteristics of their main components. Vehicles which have been substantially altered, regardless of their age, will not be exempt from periodic roadworthiness testing.

- 3.5. This new exemption for VHIs replaces the previous exemption that applied to motor vehicles manufactured before 1 January 1960.
- 3.6. It should be noted that the owners of VHIs can still apply, on a voluntary basis, for a roadworthiness test to be carried out.

#### **4. Consultation**

- 4.1. The Department undertook a public consultation exercise seeking views on the proposed new legislation which ran between 12 June 2019 and 30 August 2019. A total of 44 responses were received, the majority of which (41) were in favour of exempting VHIs from periodic (annual) roadworthiness testing.

#### **5. Equality Impact**

- 5.1. The Statutory Rule does not impact on equality of opportunity in any of the groups specified in section 75 of the Northern Ireland Act 1998. In light of this, the Department considers that it is not necessary to carry out an equality impact assessment.

#### **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment was carried out which identified the proposed change as deregulatory in nature and resulting in a small cost benefit for owners of VHIs. However there would also be a small revenue loss to the Driver and Vehicle Agency (DVA) as a result of a limited number of vehicles no longer requiring testing.

#### **7. Financial Implications**

- 7.1. There are no significant financial implications arising from the introduction of these Regulations.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. There are no matters of concern relating to compatibility with section 24.

#### **9. EU Implications**

- 9.1. None

#### **10. Parity or Replicatory Measure**

- 10.1. The corresponding DfT legislation that applies in Great Britain is contained in the Motor Vehicles (Tests) (Amendment) Regulations 2017 (S.I. 2017/850).

#### **11. Additional Information**

- 11.1. Not applicable