

Consultation on the implementation of European Directive 2014/45/EU in respect of vehicle testing legislation

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1 Executive Summary

Although the process of Brexit is ongoing, the Department continues to have an obligation to align local legislation relating to motor vehicle testing with the latest changes to European legislation. This document sets out the Department's proposals for implementing EU Directive 2014/45/EU ("the Directive"), which sets out the standards for roadworthiness testing across the European Union.

The Directive replaces the existing Directive 2009/40/EC. It includes a number of new provisions which will have a minor effect on motor vehicle testing in Northern Ireland. The new provisions are required to be implemented throughout all member States by early May 2018.

In order to implement the Directive, the Department will have to make some changes to the legislative framework covering vehicle testing in Northern Ireland. The main amendments will be to the Goods Vehicles (Tests) Regulations (NI) 2003, the Motor Vehicles (Construction and Use) Regulations (NI) 1999 and the Road Vehicles Lighting Regulations (NI) 2000. However, minor amendments will have to be made to the Public Service Vehicle Regulations (NI) 1985 and the Taxi Licensing Regulations (NI) 2015. A full list of these statutory rules can be found in Part 6 to this document.

The Department considers these changes will have little impact on either the private, public or voluntary sectors. Those vehicles which will be losing an existing exemption from testing which have been maintained in accordance with existing legislation should have no difficulty passing a roadworthiness test.

The technical changes are minor and are in the main related to safety issues. As the means of test and the reasons for failing a roadworthiness test are set out in detail in the Directive, and are now applied across all European member States, the Department has little room for manoeuvre as to how they are implemented.

Consultations are normally issued with Ministerial approval. However, in the absence of the Northern Ireland Assembly, and given the impending May 2018 deadline for implementation, it is considered necessary to move forward with the consultation now, to ensure that sufficient time is allowed to provide for the legislation to be approved by any future minister and laid before a future Assembly whilst still meeting the European deadline.

If the Directives are not implemented by May 2018, the United Kingdom will be open to infraction proceedings by the European Commission, which could lead to the imposition of an initial fine, followed by monthly fines until the Directives are fully implemented. Where any such fines are incurred by the failure of a regional administration to take action, the full cost of these fines would be borne by that administration.

The Department remains confident that the obligations imposed by the Directives can be met in good time.

This consultation will run from 8 September 2017 to 2 November 2017.

2 Proposals for technical changes to vehicle testing legislation

The Directive does not significantly affect existing arrangements for annual roadworthiness testing. The biggest change is a requirement to test large T Category agricultural tractors where they are being used to draw trailers carrying goods, as opposed to being used purely for agricultural purposes. The Directive requires the standard European minimum test frequency of four years after first use, and every two years thereafter. In Northern Ireland the Department has already made provision for the testing of such vehicles as goods vehicles, which are already tested to the standard Northern Ireland goods vehicle standard of one year after first use and every year thereafter. In the interests of safety, the Department has opted to maintain this frequency of test.

A number of vehicle categories are having existing exemptions from periodic testing removed. This will bring Northern Ireland into line with all other European member States. The numbers of vehicles involved are likely to be small, but the Department supports the move on the basis of ensuring that vehicles used regularly on public roads are found to be roadworthy at least once a year.

The remainder of the changes involve small amendments to items which will be checked during roadworthiness tests.

Summary of changes:

- Modification of existing provisions for the testing of fast tractors, falling within the T category in the EU legislative framework. These are large tractors with design speeds of over 40 km/h (roughly 25 mph), and the provisions cover those which are used for transporting goods on a commercial basis. Whilst they are already tested as goods vehicles in Northern Ireland, some small amendments are made to align the test and associated requirements with the EU Directives.
- For ease of use and efficiency we are intending to add European vehicle categories to the existing classification of vehicles provided for in The Goods Vehicles Testing Regulations (NI) 2003. This will not have an impact on the existing categories and will allow both to be used.
- Removal of exemptions from goods vehicle testing for specialist vehicles constructed on or adapted from goods vehicles of category N2 or N3, which will all now be subject to test. Examples of these are:

Mobile Cranes

Breakdown Vehicles

Engineering Plant

Tar drying trailers

Tower wagons

- The creation of new exemptions from goods vehicle testing for the following classes of vehicles:
 - Purpose built mobile machinery (i.e. machinery which is not merely added to a goods vehicle chassis but is constructed for a specific purpose), for example specialist heavy mobile cranes.
 - Showman's vehicles and showman's goods vehicles (vehicles registered to a person following the business of travelling showman and used only for that purpose)
- The exemption from periodic testing of all motor vehicles with a design speed of less than 25 km/h (15.5 mph).
- Introduction of a 60 day limit for the carrying out of retests following failure to pass a periodic vehicle test.

The Directive also requires the introduction of a number of lesser technical changes to the way in which vehicles are tested and the standards to which they are assessed. The table below indicates the proposed changes and the provision within the Directive which requires their implementation.

Directive 2014/45 Annex I - Item no.	Description	Testing method and reason for failure
Braking System		
1.1.4.	Low pressure warning gauge or indicator, where fitted.	Test by functional check. Fail if malfunctioning or defective.
1.8	Brake Fluid contamination check	Brake fluid contaminated or sedimented
Vehicle Lighting		
4.2	Daytime running lamps	Test by visual inspection and operation. Fail if defective light source or lens or not securely attached and very serious risk of falling off.

4.6	Reversing lamps	Test by visual inspection and operation. Fail if defective light source or lens or not securely attached and very serious risk of falling off.
4.5	Front fog lamps.	Test by visual inspection and operation. Fail if defective light source or lens or not securely attached and very serious risk of falling off.
Exhaust/Emissions		
8.2.2.2	Compression ignition emissions Opacity (pre 1980 vehicles are exempted). Test by opacity.	Fail if opacity exceeds the level recorded on the manufacturer's plate on the vehicle. Where this information is not available or requirements do not allow the use of reference values, for naturally aspirated engines: 2.5 m ⁻¹ , for turbo-charged engines: 3.0 m ⁻¹ , or for vehicles identified in type approval requirements or first registered or put into service for the first time after the date specified in requirements: 1.5 m ⁻¹ or 0,7 m ⁻¹

3 Impact Assessments

Whilst developing the proposals the Department carried out a screening process in order to assess their impact on the wider business community. The screening process identified no such impact, due to the fact that correctly maintained vehicles are currently a legal requirement and that the extra technical checks proposed do not constitute new requirements in respect of the existing technical requirements. Although some classes of vehicles will lose an existing exemption from periodic testing, and their owners will therefore incur a fee for the test itself, the numbers involved are so small as to be negligible. If all such vehicles are being maintained in accordance with the existing statutory requirements, there will be no further costs on top of the test fee.

For this reason a Regulatory Impact Assessment has not been carried out.

Similar screening processes were carried out in respect of equality and rural affairs, and no impacts in either area were identified.

4 Consultation questions

Q1: Will any of the proposed changes impact on how you currently prepare for your annual roadworthiness test? Please provide as much detail as possible.

Q2: If you own or operate commercial vehicles, will any of the proposed changes impact on how you currently run your business? Please explain any possible effects and the impact they may have.

Q3: Do you disagree with the Departments view that the proposed changes will have little impact on the commercial or voluntary sectors? If you do disagree, please provide details of your reasoning.

Q4: Do you disagree with the Department's view that the impacts of the proposals were so minor as to remove the need to carry out a full Impact Assessment? If so, please state your reasons.

5 How to respond

The Department seeks your views on how best to implement the requirements, and also on any impacts that you feel you or your business may experience as a result of the proposed changes. Please use the questions provided as a guide to your response. If you have any views, comments or observations, please send them by hard copy to the address below, or email them to richard.crawford@infrastructure-ni.gov.uk .

A summary of responses, including the next steps, will be published within two months of the consultation closing. Whilst it may not be possible for the Department to address all of the issues raised, responses will be recorded and collated, and will form an important part of the body of evidence used to inform future policy decisions.

If you would wish to see a copy of this document, please make this clear in your response.

Send any comments to:

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6 Regulations to be amended

The following Regulations will need to have changes made in order to accommodate the requirements of the Directive.

- The Goods Vehicle Testing Regulations (NI) 2003 (S.R. 2003 No. 304)
- The Motor Vehicles Testing Regulations (NI) 2003 (S.R. 2003 No. 303)
- The Road Vehicles Lighting Regulations (NI) 2000 (S.R. 2000 No. 169)
- The Motor Vehicles (Construction and Use) Regulations (NI) 1999 (S.R. 1999 No. 454)
- The Public Service Vehicles Regulations (NI) 1985 (S.R. 1985 No.123)
- Taxi Licensing Regulations (NI) 2015 (S.R. 2015 No. 393)

7 List of Consultees

A1 Recovery Specialists	Eamonn McCann
Agnew Recovery	Equality Commission for NI
Anderson Haulage Ltd	Federation of Small Businesses
C.J. Keys International	Francie Molloy MP
Arlene Foster MLA	Freight Transport Association
Association of Old Vehicle Clubs	Gary Haire, National Association of Funeral Directors
Belfast CIC	Gavin Robinson MP
Belfast Public Hire	Gemma Attwood, Community Relations Council
Belfast Solicitors Association	Gerry Adams TD
Belfast Taxi Association	Gerry Carroll
Billy Hutchinson	Green Flag Recovery
British Independent Motor Trade Association	Gregory Campbell MP
Burnside Garage Ltd	HM Council of County Court Judges
City Cabs	HM Revenue & Customs
Colum Eastwood MLA	Human Rights Commission
Confederation of British Industry	Ian Paisley JNR MP
Courts and Tribunal Service	Information Commissioner's Office
Crash Services Ltd	Jim Allister MLA
Danny Kinnahan MP	Jim Shannon MP
David Andrews Wedding Cars	Joanne McDermott, Lord Chief Justice's Office
David Simpson MP	John Beers Recovery
Disability Action	Judge McKibbin
Dr Alasdair McDonnell MP	

Lady Sylvia Hermon MP	Northern Ireland Ombudsman
Lakeland Recovery	NSMC – NI Secretariat
Law Centre (NI)	Office of the Attorney General (AGNI)
Lord Chief Justice Office	P.A. Blevins
Margaret Ritchie MP	Participation & the Practice of Rights Project
Mark Durkan MP	Pat Doherty MP
Members of the Northern Ireland Assembly (MLAs)	Paul Maskey MP
Mickey Brady MP	Pedlow Transport
Mr David Ford MLA	Regency Cabs (Antrim)
Mr Jim Nicholson MEP	Retail Motoring Industry Federation
Mr M Curran	Road Haulage Association
Mr Mike Nesbitt MLA	Royal Automobile Association
Mr Steven Agnew MLA	Sammy Wilson MP
Mr T Dick, NI Conservative Association	School of Law, Queen’s University of Belfast
Mrs Diane Dodds MEP	Society of Motor Manufacturers and Traders
Mrs Laura McPolin, Civil Law Reform Division	The School of Law, University of Ulster
Mrs Martina Anderson MEP	The Assembly Business Office
Ms Clair Sugden MLA	The Automobile Association
MVH Haulage	The Board of Deputies of British Jews
Woodside Haulage	The Clerk to the DfI Departmental Committee
NI Association of Citizens Advice Bureaux	The Executive Council of the Inn of Court of NI
NI Chamber of Commerce & Industry	The General Consumer Council for Northern Ireland
NIC/ICTU	The Law Society of NI
Nigel Dodds MP	The NI Council for Voluntary Action
North West Taxi Proprietors	The Northern Ireland Association for Mental Health (NIAMH)
Northern Ireland Assembly Library	The Rt Hon Sir Jeffrey M Donaldson MP
Northern Ireland Local Government Association	The Secretary, The Workers’ Party
Northern Ireland Office Constitutional and International Division	

The Society of Local Authority Chief Executives

Toal Truck Services

Tom Elliott MP

Translink

Two Trees Recovery Services Ltd

Uber

Ulster Farmers' Union

Value Cabs

Wilson Bulk Transport Lt

