



STATUTORY INSTRUMENTS.

S.I. No. 106 of 2013



COMMERCIAL VEHICLE ROADWORTHINESS (VEHICLE TESTING)
REGULATIONS 2013

COMMERCIAL VEHICLE ROADWORTHINESS (VEHICLE TESTING)
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I, LEO VARADKAR, Minister for Transport, Tourism and Sport in exercise of the powers conferred on me by sections 4 and 5 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 and for the purpose of giving effect to Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009¹ as amended by Commission Directive 2010/48/EU of 5 July 2010², hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Commercial Vehicle Roadworthiness (Vehicle Testing) Regulations 2013.

(2) These Regulations come into operation on 27 March 2013.

Interpretation

2. (1) In these Regulations—

“Act of 2012” means the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012);

“agricultural trailer” means a trailer, the property of a person engaged in agriculture, which is designed and used primarily for work on the land and which is used on a public road only incidentally to such work;

“ambulance” means a mechanically propelled vehicle used for the purpose of carrying sick, injured or disabled persons;

“articulated vehicle” means the combination of a mechanically propelled vehicle and a drawn vehicle attached by partial superimposition and so constructed and attached that not less than 20 per cent of the weight of the drawn vehicle is borne by the mechanically propelled vehicle;

“authorisation plate” has the meaning assigned to it by Regulation 4 of the European Communities (Proof of Compliance) Regulations 2000 (S.I. No. 223 of 2000);

“Authority” means Road Safety Authority;

“biennial” means a date that is one or more periods of 2 years after a test due date;

¹OJ No. L 141, 6.6.2009, p. 12

²OJ No. L 143, 8.7.2010, p. 47

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd April, 2013.*

“category”, in relation to a vehicle means a category of vehicle within the meaning of Annex II to the Type-approval Framework Directive;

“design gross weight” means the gross weight of a vehicle laden with the heaviest load which it can reasonably carry having regard to the engine capacity, brakes, tyres and general construction of such vehicle and shall, until the contrary is shown, be taken to be its design gross weight as specified by the manufacturer or, where the design gross weight of the vehicle as specified by the manufacturer is not ascertainable, the design gross weight of the vehicle as specified by an automotive engineer;

“Directive” means Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009¹, as amended by Commission Directive 2010/48/EU of 5 July 2010²;

“fax” means a facsimile of a signed or written communication transmitted through the telecommunications system;

“first registered” means—

- (a) the date on which a vehicle is entered in the register established and maintained by the Revenue Commissioners under section 131 of the Finance Act 1992 (No. 9 of 1992), or
- (b) in the case of a vehicle registered in a jurisdiction outside the State, the date when first registered in accordance with the laws of that jurisdiction or where only the year of first registration of the vehicle is known, that year, in combination with the day and month on which the vehicle was entered in the above register,

and “first registration” is to be read accordingly;

“goods trailer” means a trailer, including a semi-trailer, constructed or adapted primarily for the conveyance of goods or burden of any description having a design gross weight exceeding 3,500 kilograms, but excluding an agricultural trailer;

“goods vehicle” means a mechanically propelled vehicle, or an articulated vehicle, constructed or adapted primarily for the conveyance of goods or burden of any description whether or not the vehicle is used for such a purpose;

“issuing authority” means the council of a county or a city which exercises or performs the functions of a licensing authority under the Finance (Excise Duties) (Vehicles) Act 1952 (No. 24 of 1952);

“licence card” has the meaning given to it in Regulation 6 of the Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 1982 (S.I. No. 35 of 1982);

“livestock” means cattle, sheep, swine, horses and all other bovine and equine animals, poultry, goats and deer, not in the wild state;

“living van” means a vehicle, whether mechanically propelled or not, which is used as living accommodation by one or more persons and which is also used for the carriage of goods or burden (including livestock and more than one motor cycle) which are not needed by such one or more persons for the purpose of their residence in the vehicle;

“manufacturer’s plate” has the meaning assigned to it by Regulation 2 of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000);

“mechanically propelled vehicle” has the meaning assigned to it by section 3 of the Road Traffic Act 1961 (No. 24 of 1961);

“motor caravan” has the meaning given to it in Annex II to the Type-approval Framework Directive;

“relevant certificate” has the meaning assigned to it by Article 1 of the Road Vehicles (Registration and Licensing) (Amendment) Regulations 1992 (S.I. No. 385 of 1992);

“re-test” means a test carried out on a vehicle subsequent to the refusal of a pass statement in respect of that vehicle, where—

- (a) the re-test is carried out on a day which is not more than 21 days after the day on which the pass statement was refused, and
- (b) the reading on the vehicle’s odometer at presentation for the re-test is no more than 4,000 kilometres greater than the reading at the time the pass statement was refused;

“semi-trailer” means the drawn component of an articulated vehicle, or a vehicle constructed or adapted for use as such drawn component;

“special purpose vehicle” means a special purpose vehicle within the meaning of Annex II to the Type-approval Framework Directive;

“test due date” means the date a vehicle mentioned in Regulation 4 is due a test;

“trailer” means a vehicle attached to a mechanically propelled vehicle (or to another vehicle attached to a mechanically propelled vehicle) or a vehicle constructed or adapted for the purpose of being drawn by a mechanically propelled vehicle;

“Type-approval Framework Directive” means Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007³, as last amended by Commission Regulation (EU) No. 65/2012 of 24 January 2012⁴;

“vehicle identification number” is the unique serial number used to identify an individual vehicle or trailer.

³OJ No. L 263, 9.10.2007, p. 1

⁴OJ No. L 28, 31.1.2012, p. 24

(2) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

Application — categories of vehicle to be tested

3. (1) Subject to paragraph (2), these Regulations apply to the following:

- (a) vehicles, used for the carriage of passengers, with more than 8 seats, excluding the driver's seat (categories M2 and M3);
- (b) goods vehicles (categories N1, N2 and N3);
- (c) goods trailers (categories O3 and O4);
- (d) ambulances (special purpose vehicles in category M);
- (e) motor caravans first registered on or after 1 January 1980 (special purpose vehicles in category M).

(2) These Regulations do not apply to vehicles which are used by the Defence Forces or the Garda Síochána.

(3) A living van is a goods vehicle for the purpose of these Regulations.

Timing and frequency of tests

4. (1) The first test due date for a CVR vehicle of a class specified in column (2) of Schedule 1 at reference numbers 1 to 7 in column (1) is the first anniversary of its first registration.

(2) The first test due date for a CVR vehicle of a class specified in column (2) of Schedule 1 at reference number 8 in column (1) which was first registered—

- (a) on or before 31 August 2000, is the fourth anniversary of first registration of the vehicle,
- (b) between 1 September 2000 and 31 August 2003, is 1 September 2004, and
- (c) after 31 August 2003, is the first anniversary of its first registration.

(3) The relevant first test due date mentioned in paragraphs (1) and (2) and each subsequent annual anniversary of that date are the test due dates for a vehicle of a class specified in column (2) of Schedule 1 at reference numbers 1 to 8 in column (2).

(4) Subject to paragraph (5), the first test due date for a vehicle of a class specified in column (2) of Schedule 1 at reference numbers 9 and 10 in column (1) is the fourth anniversary of first registration and tests shall thereafter be due—

- (a) until the vehicle has reached the tenth anniversary of its first registration, on each subsequent biennial anniversary of the first test due date, and
- (b) when the vehicle has reached the tenth anniversary of its first registration, on each anniversary of its first test due date.

(5) A CVR vehicle to which paragraph (4) applies and in respect of which there is in force, on the date of commencement of this Regulation, a certificate of roadworthiness, shall not on account of this Regulation alone be required to be submitted for testing until for vehicles which, on the date of commencement of this Regulation—

- (a) have not reached their tenth anniversary of first registration, 24 months after the date on which the vehicle was last tested, or
- (b) have reached their tenth anniversary of first registration, 12 months after the date on which the vehicle was last tested.

Testing of vehicles

5. (1) Subject to paragraph (8), the items to be tested in the course of a test of a CVR vehicle for the purpose of these Regulations, and the test methods to be employed, are those specified in Annex II to the Directive.

(2) In carrying out a re-test on a CVR vehicle only those items which gave rise to the refusal of the pass statement are to be tested.

(3) In carrying out a test or re-test on a CVR vehicle a CVR test operator shall comply with any guidelines issued by the Authority under section 38 of the Act of 2012.

(4) A test or re-test of a CVR vehicle by a CVR test operator under these Regulations shall be carried out by a CVR tester.

(5) A CVR test operator shall refuse to carry out a test or re-test on a CVR vehicle where the owner of the vehicle or the owner's agent fails to present, to him or her, the relevant certificate or trailer licence card, as appropriate, for the vehicle.

(6) A CVR test operator may refuse to carry out a test or re-test on a CVR vehicle if—

- (a) in his or her opinion—
 - (i) any part of the CVR vehicle or any of its equipment is in such a condition that it would not be safe or practicable to carry out the test or re-test, or
 - (ii) a load on a vehicle is in such a condition that it would not be safe or practicable to carry out the test or re-test,

- (b) the name of owner of the CVR vehicle as shown on the relevant certificate or trailer licence card, as appropriate, which is produced to the CVR test operator is not the same as the name of the person given as the owner in the application made under Regulation 11, or
- (c) the vehicle identification number as shown on the relevant certificate or trailer licence card, as appropriate, which is produced to the CVR test operator is not the same as the unique serial number on the vehicle.

(7) Where a CVR test operator refuses to carry out a test or re-test on a CVR vehicle in accordance with paragraph (5) or (6), he or she shall return to the owner of the vehicle or the owner's agent, as the case may be, the fee paid under Regulation 12(1) or (2) in respect of the application for a test or re-test, as the case may be, for the vehicle concerned.

(8) For vehicle categories M2, M3, N2, N3, O3 and O4, the authorisation plate in respect of vehicle weights and dimensions, the fitment of which is required by Regulation 3 of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000), shall be inspected in addition to the items specified in Annex II to the Directive.

(9) In the case of a refusal of a pass statement, whether on the occasion of a test or a re-test, the reason or reasons for the failure shall be specified.

Test report

6. (1) A CVR test operator upon completion of a test of a CVR vehicle shall—

- (a) give to the owner of the vehicle or the owner's agent, as the case may be, a report of the test ("report form"), and
- (b) set out on the report form any item found not to be roadworthy during the test.

(2) A report form for a CVR vehicle shall not be valid unless it is authenticated by the signature of the CVR tester who carried out the test.

Pass statement

7. (1) Subject to paragraph (2), following a test, the CVR tester shall give to the owner of the CVR vehicle or the owner's agent, as the case may be, for the vehicle tested a statement ("pass statement"), in the form approved by the Minister, where the CVR test operator is satisfied that the vehicle is roadworthy in respect of the items specified for the class of vehicle concerned under Regulation 5(1).

(2) The CVR test operator shall refuse to give a pass statement for a CVR vehicle where—

- (a) the test report relating to the vehicle contains one or more items found not to be roadworthy during the test, or

(b) the vehicle had not been tested in accordance with these Regulations.

(3) A pass statement for a CVR vehicle shall not be valid unless it is authenticated by the signature of the CVR tester who carried out the test.

(4) A pass statement given under Regulation 14 of the European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004) which is in force immediately before the commencement of these Regulations continues in force after such commencement as if given under these Regulations.

Certificate of roadworthiness

8. (1) On presentation of a pass statement to an issuing authority, accompanied by the fee appropriate to the class of CVR vehicle in accordance with Regulation 12(3), the issuing authority shall issue for the vehicle a certificate of roadworthiness in the form specified in Schedule 2.

(2) (a) A certificate of roadworthiness in respect of a class of CVR vehicle specified in column (2) of Schedule 1 at reference numbers 1 to 8 is in force from the date of its issue until the expiration of 12 months from the date of the test in respect of which the pass statement was given under Regulation 7.

(b) A certificate of roadworthiness in respect of a class of CVR vehicle specified in column (2) of Schedule 1 at reference numbers 9 and 10 is in force—

(i) in the case of a CVR vehicle which has not reached the tenth anniversary of its first registration, from the date of its issue until the expiration of 24 months from the date of the test in respect of which the pass statement was given under Regulation 7, or

(ii) in the case of a CVR vehicle which has reached the tenth anniversary of its first registration, from the date of its issue until the expiration of 12 months from the date of the test in respect of which the pass statement was given under Regulation 7.

Cancellation of pass statement or certificate of roadworthiness

9. (1) The Authority may revoke a pass statement given by a CVR test operator where it has reasonable grounds for believing that the pass statement was not issued in accordance with these Regulations.

(2) Where a pass statement is revoked by the Authority under this Regulation any certificate of roadworthiness issued on foot of that pass statement is deemed to stand revoked.

(3) Where the Authority revokes a pass statement under this Regulation the holder shall surrender such pass statement and any certificate of roadworthiness issued on foot of such pass statement to the Authority.

(4) Where a pass statement is revoked, and surrendered to the Authority, under this Regulation—

- (a) an application may be made to the CVR test operator who carried out the test (and re-test, if appropriate) in respect of which the statement relates for reimbursement of the fee paid to the CVR test operator for the test (and re-test, if appropriate), and
- (b) the CVR test operator shall make the reimbursement referred to in subparagraph (a) if he or she is satisfied that the fee for the test (and re-test, if appropriate) in respect of which the pass statement relates was paid by the person making the application.

(5) Where a certificate of roadworthiness is revoked, and surrendered to the Authority, under this Regulation—

- (a) an application may be made to the issuing authority that issued the certificate of roadworthiness for reimbursement of the fee paid for the certificate, and
- (b) the issuing authority shall make the reimbursement referred to in subparagraph (a) if it is satisfied that the fee for the certificate was paid by the person making the application,

(6) Where the Authority revokes a pass statement under this Regulation it shall immediately inform—

- (a) the CVR test operator who gave the pass statement of the serial number of the statement, the date the statement was revoked, the reason for the revocation and the registration number of the CVR vehicle to which the statement relates, and
- (b) the issuing authority of the serial number of the statement, the date the statement was revoked, the reason for the revocation, the serial number of any certificate of roadworthiness issued on foot of the statement and the registration number of the CVR vehicle to which the statement relates.

(7) Where a certificate of roadworthiness stands revoked by virtue of paragraph (2), the Authority shall immediately inform the issuing authority that issued the certificate of the serial number of the pass statement, the date the pass statement was revoked, the reason for the revocation, the serial number of the certificate of roadworthiness issued on foot of the statement, if known, and the registration number of the CVR vehicle to which the statement relates.

Replacement certificate of roadworthiness

10. (1) Subject to paragraph (2), an issuing authority may, on application from the owner of a CVR vehicle, issue a replacement certificate of roadworthiness for a vehicle.

(2) An application for a replacement certificate of roadworthiness under paragraph (1) shall—

- (a) be in writing and include such information relating to the original certificate of roadworthiness as the issuing authority may require,
- (b) be made only by the owner of the CVR vehicle to which the certificate of roadworthiness to be replaced relates, and
- (c) be accompanied by the fee appropriate to the class of CVR vehicle in accordance with Regulation 12(4).

(3) A replacement certificate of roadworthiness shall contain the marking “REPLACEMENT”.

Application for test

11. An application for a CVR test in respect of a vehicle shall be made by the owner of the vehicle or the owner’s agent to a CVR test operator either in person, by post, by fax, by telephone, or by electronic mail.

Fees

12. (1) The fee to be paid for a CVR test in respect of a class of vehicle specified in column (2) of Schedule 3 at any reference number in column (1) is the amount specified in column (3) of that Schedule opposite mention of that reference number.

(2) (a) Subject to paragraph (b), the fee to be paid for a re-test in respect of a class of CVR vehicle specified in column (2) of Schedule 3 at any reference number in column (1) is the amount specified in column (4) of that Schedule opposite mention of that reference number,

(b) A re-test that does not require the use of test equipment shall not be subject to a fee.

(3) The fee to be paid to an issuing authority for a certificate of roadworthiness in respect of a class of CVR vehicle specified in column (2) of Schedule 4 at any reference number in column (1) is the amount specified in column (5) of that Schedule opposite mention of that reference number.

(4) The fee to be paid to an issuing authority for a replacement certificate of roadworthiness in respect of a class of CVR vehicle specified in column (2) of Schedule 3 at any reference number in column (1) is the amount specified in column (6) of that Schedule opposite mention of that reference number.

(5) The amounts specified in Schedule 3 are exclusive of any value-added tax which may be applicable.

SCHEDULE 1

*Regulations 4
and 8*

CVR VEHICLE CLASSES

Reference No. (1)	Class of CVR vehicle (2)
1	Mechanically propelled vehicles used for the carriage of passengers with more than 8 seats, excluding the driver's seat
2	Vehicles having a design gross weight exceeding 3,500 kilograms but not exceeding 7,500 kilograms
3	Vehicles having a design gross weight exceeding 7,500 kilograms with 2 axles
4	Vehicles having a design gross weight exceeding 7,500 kilograms with 3 axles
5	Vehicles having a design gross weight exceeding 7,500 kilograms with 4 or more axles
6	Trailers having a design gross weight exceeding 3,500 kilograms
7	Ambulances
8	Vehicles having a design gross weight not exceeding 3,500 kilograms
9	Motor caravans having 2 axles
10	Motor caravans with 3 or more axles

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CERTIFICATE OF ROADWORTHINESS

SERIAL NUMBER

- 1. Vehicle identification mark
- 2. Category of Vehicle
- 3. Chassis: letters and numbers
- 4. Registered Owner
- 5. CVR test operator
- 6. Date of Test
- 7. Date of Expiry
- Design Gross Vehicle Weight (D.G.V.W.)
- Unladen Weight (U.L.W.)

I hereby certify that the owner of the vehicle described herein presented a statement by a CVR test operator to the effect that the said vehicle was tested and found to be roadworthy on the date shown in accordance with the requirements of the Commercial Vehicle Roadworthiness (Vehicle Testing) Regulations 2013.

Issued against Statement Number

Issued by.....
(Issuing authority)

Date:.....

Signed:.....

SCHEDULE 3

Regulation 12

FEES

Reference No. (1) €	Class of vehicle (2) €	Fee (3) €	Fee (4) €	Fee (5) €	Fee (6) €
1.	Mechanically propelled vehicles used for the carriage of passengers with more than 8 seats, excluding the driver's seat.	147.67	73.83	13.00	7.00
2.	Vehicles having a design gross weight exceeding 3,500 kilograms but not exceeding 7,500 kilograms.	94.52	47.26	13.00	7.00
3.	Vehicles having a design gross weight exceeding 7,500 kilograms with 2 axles..	118.16	59.08	13.00	7.00
4.	Vehicles having a design gross weight exceeding 7,500 kilograms with 3 axles.	147.67	73.83	13.00	7.00
5.	Vehicles having a design gross weight exceeding 7,500 kilograms with 4 or more axles.	165.38	82.69	13.00	7.00
6.	Trailers having a design gross weight exceeding 3,500 kilograms.	106.30	53.15	13.00	7.00
7.	Ambulances	94.52	47.26	13.00	7.00
8.	Vehicles having a design gross weight not exceeding 3,500 kilograms.	70.86	35.43	6.00	3.00
9.	Motor caravans with three or more.	70.86	35.43	6.00	3.00
10.	Motor caravans with three or more axles	88.58	44.29	6.00	3.00



GIVEN under my Official Seal,
27 March 2013.

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations specify the requirements and arrangements to apply for the compulsory testing of light commercial vehicles and heavy commercial vehicles in accordance with the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012). The Regulations provide for the following:

- (a) the category of commercial vehicles to be tested and timing and frequency of tests;
- (b) items to be tested or re-tested;
- (c) the issuance of test reports, pass statements and certificates of roadworthiness and revocation of a pass statement and a certificate of roadworthiness in particular circumstances;
- (d) fees payable for tests, re-tests and certificates of roadworthiness; and
- (e) format of a certificate of roadworthiness.

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