



STATUTORY INSTRUMENTS.

S.I. No. 58 of 2012

EUROPEAN COMMUNITIES (VEHICLE TESTING) (AMENDMENT)
REGULATIONS 2012

(Prn. A12/0369)

EUROPEAN COMMUNITIES (VEHICLE TESTING) (AMENDMENT)
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I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further 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:

1. These Regulations may be cited as the European Communities (Vehicle Testing) (Amendment) Regulations 2012.

2. These Regulations come into operation on 1 March 2012.

3. In these Regulations, “Principal Regulations” means the European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004), as amended by the European Communities (Vehicle Testing) (Amendment) Regulations 2007 (S.I. No. 709 of 2007) and the European Communities (Vehicle Testing) (Amendment) Regulations 2008 (S.I. No. 311 of 2008).

4. (1) Regulation 2(1) of the Principal Regulations is amended—

(a) by inserting after the definition of “articulated vehicle” the following definition—

“‘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);

(b) by inserting after the definition of “authorised tester” the following definition—

“‘biennial’ means a date that is one or more periods of two years after a test due date;”,

(c) by deleting the definition of “Council Directive”,

(d) by inserting after the definition of “design gross weight” the following definition—

¹OJ No. L 141, 6.6.2009, p. 12.

²OJ No. L 173, 8.7.2010, p. 47.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd March, 2012.*

“‘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;”,

- (e) by inserting after the definition of “licensing authority” the following definitions—

“‘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;”,

- (f) by substituting for the definition of “Minister” the following definition—

“‘Minister’ means the Minister for Transport, Tourism and Sport;”,

- (g) by inserting after the definition of “Minister” the following definition—

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

- (h) in the definition of “first registered” (inserted by Regulation 2 of the European Communities (Vehicle Testing) (Amendment) Regulations 2008 (S.I. No. 311 of 2008)), by inserting after subparagraph (b) “and ‘first registration’ is to be read accordingly”,

- (i) by substituting for the definition of “re-test” the following definition—

“‘re-test’ means a subsequent test carried out on a vehicle under these Regulations, following the refusal of a certificate of roadworthiness in respect of that vehicle, where—

(a) the re-test is carried out on a day that is not more than 21 calendar days after the day on which the certificate of roadworthiness was refused, and

(b) the reading on the vehicle’s odometer at presentation for the retest has increased by not more than 4,000 kilometres on the odometer reading at the time the certificate of roadworthiness was refused;”,

- (j) by inserting after the definition of “trained person” the following definition—

“‘Type-approval Framework Directive’ means Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007³, as amended by Commission Regulation (EC) No. 1060/2008 of 7 October 2008⁴, Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009⁵, Regulation (EC) No. 79/2009 of the European Parliament and of the Council of 14 January 2009⁶, Commission Regulation (EC) No. 385/2009 of 7 May 2009⁷, Regulation (EC) No. 595/2009 of the European Parliament and of the Council of 18 June 2009⁸, Regulation (EC) No. 661/2009 of the European Parliament and of the Council of 13 July 2009⁹, Commission Directive 2010/19/EU of 9 March 2010¹⁰, Commission Regulation (EU) No. 371/2010 of 16 April 2010¹¹, Commission Regulation (EU) No. 183/2011 of 22 February 2011¹², Commission Regulation (EU) No. 582/2011 of 25 May 2011¹³ and Commission Regulation (EU) No. 678/2011 of 14 July 2011¹⁴.”

(2) Regulation 2 of the Principal Regulations is amended by inserting after paragraph (3) the following—

“(4) The notations M₂, M₃, N₁, N₂, N₃, O₃ and O₄ and the terms ‘special purpose’ and ‘category M’ have the meaning given to them in Annex II of the Type-approval Framework Directive.”

5. Regulation 3 of the Principal Regulations is amended—

(a) by substituting for paragraph (1) the following—

“(1) Subject to paragraph (2), these Regulations apply to—

- (a) vehicles, used for the carriage of passengers, with more than eight 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), and
- (e) motor caravans first registered on or after 1 January 1980 (special purpose vehicles in category M).”

³OJ No. L 263, 9.10.2007, p. 1.

⁴OJ No. L 292, 31.10.2008, p. 1.

⁵OJ No. L 35, 4.2.2009, p. 1.

⁶OJ No. L 35, 4.2.2009, p. 32.

⁷OJ No. L 118, 13.5.2009, p. 13.

⁸OJ No. L 188, 18.7.2009, p. 1.

⁹OJ No. L 200, 31.7.2009, p. 1.

¹⁰OJ No. L 72, 20.3.2010, p. 17.

¹¹OJ No. L 110, 1.5.2010, p. 1.

¹²OJ No. L 53, 26.2.2011, p. 4.

¹³OJ No. L 167, 25.6.2011, p. 1.

¹⁴OJ No. L 185, 15.7.2011, p. 30.

(b) by inserting after paragraph (2) the following—

“(3) For the avoidance of doubt, a living van is a goods vehicle for the purpose of these Regulations.”

6. The Principal Regulations are amended by substituting for Regulation 4 the following—

“4. (1) The first test due date for a 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 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,

(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,

(b) when the vehicle has reached the tenth anniversary of its first registration, on each anniversary of its first test due date.

(5) A vehicle to which paragraph (4) applies and in respect of which there is in force, on 1 March 2012, a certificate of roadworthiness issued under these Regulations, shall not on account of this Regulation alone be required to be submitted for testing until—

(a) for vehicles which on 1 March 2012 have not reached their tenth anniversary of first registration, 24 months after the date on which the vehicle was last tested, or

(b) for vehicles which on 1 March 2012 have reached their tenth anniversary of first registration, 12 months after the date on which the vehicle was last tested.

7. Regulation 7(1)(b) of the Principal Regulations is amended by substituting “Annex II to the Directive” for “Schedules 2 and 3”.

8. Regulation 12 of the Principal Regulations is amended:

(a) by substituting for paragraph (1) the following—

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

(b) by inserting after paragraph (7) the following—

“(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 the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000), must 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.”

9. Regulation 15 of the Principal Regulations is amended by substituting for paragraph (2) the following—

“(2) (a) A certificate of roadworthiness in respect of a class of 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 14.

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

- (i) in the case of a 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 14, or
- (ii) in the case of a 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 14.”

10. Regulation 18 of the Principal Regulations is amended by substituting “the Directive” for “the Council Directive” in both places in which it occurs.

11. The Principal Regulations are amended by substituting for Schedule 1 (inserted by the European Communities (Vehicle Testing) (Amendment) Regulations 2007 (S.I. No. 709 of 2007)) the following—

Schedule 1

“Regulations 4,
11 and 12

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 having two axles	70.86	35.43	6.00	3.00
10	Motor caravans with three or more axles	88.58	44.29	6.00	3.00

”

12. The Principal Regulations are amended by deleting Schedules 2 and 3.

13. Regulation 3(1) of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000) is amended by deleting the words, “having a design gross vehicle weight exceeding 5,000 kilograms”.

14. The European Communities (Vehicle Testing) (Amendment) Regulations 2007 (S.I. No. 709 of 2007) and the European Communities (Vehicle Testing) (Amendment) Regulations 2011 (S.I. No. 710 of 2011) are revoked.



GIVEN under my Official Seal,
28 February 2012.

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 amend the European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004) for the purposes of:

- including provision for the mandatory testing, from 1 March 2012, of motor caravans;
- reflecting the replacing of Council Directive 96/96/EC of 20 December 1996 by Directive 2009/40/EC of the European Parliament and the Council of 6 May 2009, as amended by Commission Directive 2010/48/EU of 5 July 2010; and
- reflecting the change in the title of the relevant minister;

These Regulations also amend the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000) in respect of their application to passenger vehicles having accommodation for more than eight passengers exclusive of the driver, having a design gross vehicle weight not exceeding 5,000 kilograms.

These Regulations revoke the European Communities (Vehicle Testing) (Amendment) Regulations 2007 (S.I. No. 709 of 2007) and the European Communities (Vehicle Testing) (Amendment) Regulations 2011 (S.I. No. 710 of 2011).

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