



STATUTORY INSTRUMENTS.

S.I. No. 616 of 2021



COMMERCIAL VEHICLE ROADWORTHINESS (VEHICLE TESTING)
(AMENDMENT) REGULATIONS 2021

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by sections 4 and 5 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012), (as adapted by the Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020) (S.I. No. 351 of 2020) and for the purpose of giving further effect to Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the Commercial Vehicle Roadworthiness (Vehicle Testing) (Amendment) Regulations 2021.

2. The Commercial Vehicle Roadworthiness (Vehicle Testing) (No. 2) Regulations 2013 (S.I. No. 347 of 2013) are amended –

(a) in Regulation 3 –

(i) by the substitution of the following definition for the definition of “Agricultural Vehicle Type-approval Framework Regulation”:

“ ‘Agricultural Vehicle Type-approval Framework Regulation’ means Regulation (EU) No. 167/2013 of the European Parliament and of the Council of 5 February 2013², as amended by –

(a) Commission Delegated Regulation (EU) No. 1322/2014 of 19 September 2014³,

(b) Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016⁴,

(c) Commission Delegated Regulation (EU) 2016/1788 of 14 July 2016⁵,

(d) Commission Delegated Regulation (EU) 2018/830 of 9 March 2018⁶, and

¹ OJ No. L 127, 29.4.2014, p. 51.

² OJ No. L 60, 2.3.2013, p. 1

³ OJ No. L 364, 18.12.2014, p. 1

⁴ OJ No. L 252, 16.9.2016, p. 53

⁵ OJ No. L 277, 13.10.2016, p. 1

⁶ OJ No. L 140, 6.6.2018, p. 15

- (e) Regulation (EU) 2019/519 of the European Parliament and of the Council of 19 March 2019⁷,”
- (ii) by the substitution of the following definition for the definition of “category”:
 - “ ‘category’ means –
 - (a) in relation to a vehicle other than a tractor, a category of vehicle within the meaning of Article 4 of the Type-approval Framework Regulation and references to particular categories of vehicle are to those categories of vehicle specified in that Article, or
 - (b) in relation to a tractor, a category T vehicle within the meaning of Article 4 of the Agricultural Vehicle Type-approval Framework Regulation;”
- (iii) by the substitution of the following definition for the definition of “motor caravan”:
 - “ ‘motor caravan’ has the meaning assigned to it in Annex I of the Type-approval Framework Regulation;”
- (iv) by the substitution of the following definition for the definition of “special purpose vehicle”:
 - “ ‘special purpose vehicle’ means a special purpose vehicle within the meaning of Annex I to the Type-approval Framework Regulation and references to special purpose vehicles in a particular category are to special purpose vehicles in that category within the meaning of that Annex;”
- (v) by the insertion of the following definition:
 - “ ‘Type-approval Framework Regulation’ means Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018⁸ on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC, as amended by Commission Delegated Regulation (EU) 2021/1445 of 23 June 2021⁹;”
- (vi) by the deletion of the definition of “Type-approval Framework Directive”,

and

⁷ OJ No. L 91, 29.3.2019, p. 42

⁸ OJ No. L 151, 14.6.2018, p. 1

⁹ OJ No. L 313, 6.9.2021, p. 4

- (b) by the substitution of the following regulation for Regulation 9B:

“Test due dates – converted vehicles

9B. (1) Subject to paragraph (3), the first test due date for a converted vehicle after it has undergone a post-registration conversion shall be the date of conversion and each subsequent test due date shall be calculated by reference to that date in accordance with Regulation 6 as modified by Regulations 6A and 6B for the class of vehicle concerned.

(2) Where, on the occurrence of a post-registration conversion, there is in force in respect of a CVR vehicle a certificate of roadworthiness or a test certificate within the meaning of section 3 of the Road Traffic Act 1961 (No. 24 of 1961), that certificate shall be deemed to expire on the date of conversion.

(3) Where the date of conversion of a CVR vehicle occurred during the period beginning on 28 March 2020 and ending on 30 June 2020 –

- (a) the first test due date for the vehicle shall be the date that is 3 months from the date of conversion, and
- (b) each subsequent test due date for the vehicle shall be determined in accordance with Regulation 6 as modified by Regulations 6A and 6B.”.



GIVEN under my Official Seal,
22 November, 2021.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

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

The purpose of these regulations is to amend the Commercial Vehicle Roadworthiness (Vehicle Testing) (No. 2) Regulations 2013 (S.I. No. 347 of 2013) to provide that:

- i. a 3 month extension is given to test due dates for converted CVR vehicles with a first test due date falling during the period beginning on 28 March 2020 and ending on 30 June 2020, or to converted CVR vehicles with a certificate of roadworthiness in force on 28 March 2020.
- ii. the definitions in the regulations are in line with both the Agricultural Vehicle Type-approval Framework Regulation and the Type-approval Framework Regulations.

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