



STATUTORY INSTRUMENTS.

S.I. No. 617 of 2021



EUROPEAN UNION (COMMERCIAL VEHICLE ROADWORTHINESS)
(ROADWORTHINESS CERTIFICATE AND ROADWORTHINESS TEST)
REGULATIONS 2021

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) 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 European Union (Commercial Vehicle Roadworthiness) (Roadworthiness Certificate and Roadworthiness Test) Regulations 2021.

2. The Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012) is amended –

(a) in section 2 –

(i) by the insertion of the following definitions:

“ ‘EU roadworthiness certificate’ in relation to a vehicle means a certificate of roadworthiness within the meaning of the Roadworthiness Directive issued by a Member State competent authority or a Member State testing centre, as the case may be, which has not expired or otherwise been cancelled or revoked and, insofar as the frequency intervals for vehicle testing are concerned, is still valid by reference to the frequency intervals prescribed by regulations under section 4 for the mandatory roadworthiness testing of vehicles to which those regulations under section 4 apply;

‘Member State competent authority’ means an authority or public body in a Member State (other than the State) with responsibility for managing the system of roadworthiness testing in that Member State including, where appropriate, the carrying out of roadworthiness tests for the purposes of the Roadworthiness Directive;

‘Member State testing centre’ means a public or private body or establishment in a Member State (other than the State) authorised to carry out roadworthiness tests in that Member State for the purposes of the Roadworthiness Directive;

¹ OJ No. L. 127, 29.4.2014, p. 51

‘Roadworthiness Directive’ means Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC¹,” and

- (ii) by the substitution of the following definition for the definition of “certificate of roadworthiness”:

“ ‘certificate of roadworthiness’ means –

- (a) a certificate issued under section 5, or
(b) an EU roadworthiness certificate;”,

- (b) in section 5 –

(i) in subsection (1), by the substitution of “certificate referred to in paragraph (a) of the definition of ‘certificate of roadworthiness’ in section 2” for “certificate of roadworthiness”, and

(ii) in paragraphs (a), (b), (c), (d) and (e) of subsection (2), by the substitution of “certificate referred to in paragraph (a) of the definition of ‘certificate of roadworthiness’ in section 2” for “certificate of roadworthiness” in each place where it occurs,

- (c) in section 6, by the substitution of the following subsection for subsection (1) –

“(1) A person shall not use a CVR vehicle in a public place unless at the time there is in force in respect of the vehicle a certificate of roadworthiness or the vehicle is the subject of an exemption under section 135 of the Finance Act 1992 (No. 9 of 1992) in force for the time being.”, and

- (d) in section 7 –

(i) in subsection (1), by the substitution of “a CVR vehicle, other than a CVR vehicle which is the subject of an exemption under section 135 of the Finance Act 1992 (No. 9 of 1992) in force for the time being,” for “a CVR vehicle”, and

(ii) in subsection (2), by the substitution of “a CVR vehicle, other than a CVR vehicle which is the subject of an exemption under section 135 of the Finance Act 1992 (No. 9 of 1992) in force for the time being,” for “a CVR vehicle”.

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

- (a) by the substitution of the following regulation for Regulation 9A:

“EU Roadworthiness certificates, test due dates for vehicles in respect of which roadworthiness certificate in force

9A. (1) Subject to this Regulation, an EU roadworthiness certificate issued in respect of a vehicle that was first registered in a Member State other than the State, and is registered in the State in accordance with section 131 of the Finance Act 1992 (No. 9 of 1992), continues in force until it expires, except where the certificate is cancelled or revoked.

(2) For the purposes of this Regulation, the owner of a vehicle referred to in paragraph (1) shall present the EU roadworthiness certificate issued in respect of that vehicle to the Authority and, if the certificate is not in the English or Irish language, the Authority may require the owner to provide a translation of that certificate, certified to be a correct translation, into either of those languages.

(3) Subject to paragraph (4), an EU roadworthiness certificate presented in accordance with paragraph (2), by the owner of the vehicle in respect of which the certificate was issued, shall be recognised by the Authority as a roadworthiness certificate for the purposes of Article 8(3) and Article 10(3) of the Roadworthiness Directive.

(4) Where there is doubt as to the validity of an EU roadworthiness certificate issued in respect of a vehicle referred to in paragraph (1), which is presented to it in accordance with paragraph (2), the Authority may verify the validity of the certificate with the Member State competent authority concerned.

(5) Subject to paragraph (6), the first test due date for a vehicle referred to in paragraph (1) shall be the expiry date of the EU roadworthiness certificate issued in respect of that vehicle or the date on which the certificate is cancelled or revoked.

(6) Where an EU roadworthiness certificate in respect of a CVR vehicle expired or was cancelled or revoked during the period beginning on 28 March 2020 and ending on 30 June 2020 the first test due for the vehicle shall be the date that is 3 months from the date of such expiry, cancellation or revocation, as the case may be.

(7) Each subsequent test due date for a vehicle referred to in paragraph (5) or (6) shall be determined in accordance with Regulation 6 as modified by Regulations 6A and 6B.”,

and

(b) by the deletion of Regulation 36.



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)

These Regulations provide for the further transposition of Directive 2014/45/EU on periodic roadworthiness testing.

The Regulations provide for the following:

- i. the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012) is amended to provide for the recognition of roadworthiness certificates issued by other Member States as required by Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers.
- ii. the Commercial Vehicle Roadworthiness (Vehicle Testing) (No. 2) Regulations 2013 (S.I. No. 347 of 2013) is amended in order to determine the test due dates for an imported vehicle where a roadworthiness certificate was issued by another Member State in respect of that vehicle and that certificate continues to be in force. The Regulations permit the verification of roadworthiness certificates issued by other Member States where the validity of the certificate is in doubt.

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