

Commercial Vehicle Testing – FAQs

Q. What are the requirements for the roadworthiness testing of commercial vehicles?

A. In accordance with Directive 96/96, all Member States of the European Union are required to have arrangements in place for the compulsory periodic roadworthiness testing of motor vehicles and trailers registered by them.

The Commercial Vehicle Test is a preventative road safety measure which ensures vehicles, particularly older vehicles, using Irish roads are in sound working order.

All vehicles degrade in service. The Commercial Vehicle Test provides an equitable and systematic way of inspecting all commercial vehicles for roadworthiness.

SI no 771 of 2004 European Communities (Vehicle Testing) Regulations, 2004 governs the testing of passenger vehicles with more than eight seats excluding the driver's seat, ambulances, and "goods vehicles" which are vehicles primarily constructed or adapted for the conveyancing of goods or burden of any description. The Regulations also apply to trailers with a design gross vehicle weight exceeding 3,500 kilogrammes. These vehicles are required to undergo a roadworthiness test each year.

The annual testing of commercial vehicles in Ireland is carried out by approximately 149 privately operated test centres which are appointed and supervised by the Local Authorities. Some 108,419 Heavy Goods Vehicle (i.e. HGVs, large trailers, buses and ambulances) and 313,959 Light Goods Vehicle tests were completed in 2008.

Q. What is the difference with the NCT?

A. Car testing is carried out by NCTS on a 10-year contract. Since 13 September 2006, the Road Safety Authority has administered the NCTS contract on behalf of the State. SI No 405 of 2003 as amended by SI No 588 of 2008 requires vehicles within the ambit of the regulations to be roadworthiness tested once they are four years old and every two years thereafter. SI No 588 of 2008 amended the definition of such a vehicle “to a mechanically propelled vehicle having at least 4 wheels, which is constructed primarily for the carriage of passengers and which has a maximum of 8 seats excluding the driver’s seat.” i.e. a car. In 2008 over 835,000 cars were tested by the NCTS.

Q. My Commercial Vehicle Test is due how can I book a test?

A. You can book your test by contacting your chosen Test Centre to make an appointment. The contact details for all the Test Centres are available on the RSA website – www.rsa.ie – {Services, Vehicle Testing page}

Q. I don't know whether I'm due a Commercial Vehicle Test or not.

A. Ambulances, passenger vehicles with more than eight seats exclusive of the driver’s seat, and Commercial Vehicles including Heavy Goods Vehicles (HGV) and Light Goods Vehicles (LGV) in Ireland must be tested for roadworthiness one year after registration and thereafter every year. The onus is on the owner of the vehicle to have it tested as you will not receive notification that your vehicle is due a test from the RSA.

Q. Am I required by law to display a current Certificate of Roadworthiness in the vehicle?

A. According to Statutory Instrument No 771 of 2004 European Communities (Vehicle Testing) Regulations 2004 where a member of An Garda Síochána demands the production of a current Certificate of Roadworthiness for a vehicle the owner must produce it a Garda Station within 10 days after the date on which the production was demanded.

Therefore it is not currently required by law to display a current Certificate of Roadworthiness in a commercial vehicle.

Q. I have brought my vehicle to the NCT and/or CVT and they have refused to test it, what can I do?

A. According to Statutory Instrument No 771 of 2004 European Communities (Vehicle Testing) Regulations 2004, these regulations apply to:-

- a. Vehicles used for the carriage of passengers with more than 8 seats, excluding the driver's seat,
- b. Goods vehicles
- c. Goods trailers, and
- d. Ambulances

These vehicles must be tested at a VTN test centre.

The NCT carry out roadworthiness tests on vehicles with accommodation for up to eight passengers including taxi and hackney cabs covered by the Road Traffic (National Car Test) Regulations, 1999 and subsequent amendments.

If you are unsure of whether it is an NCT or a Commercial Vehicle Test you require, you can contact the NCTS 1890 412 413 or the Commercial Vehicle Testing Unit, RSA 091 872600 to see whether your vehicle is registered as private or commercial.

Q. What is the penalty for failure to have a current Certificate of Roadworthiness?

SI No 771 of 2004 European Communities (Vehicle Testing) Regulations 2004 provides that a person guilty of an offence may be liable to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 3 months or to both. From 1st May 2009 the offence, using a vehicle without a certificate of roadworthiness is one of five additional offences which have become penalty point offences:

1. Using a vehicle (car) without test certificate
2. Driving a vehicle before remedying dangerous defect
3. Driving a dangerously defective vehicle
4. Using a vehicle without certificate of roadworthiness
5. Bridge strikes

The penalty points system is designed to save lives and prevent injuries resulting from road crashes and collisions. The addition of these five extra offences on 1st May will bring the total number of road traffic offences attracting penalty points to 41.

In the case of the 5 offences, enforcement has and will continue to be effected by way of court summons. It is a matter for the Gardaí to decide whether or not to initiate proceedings for an alleged offence in respect of any of these offences.

Q. Why are penalty points being introduced for Commercial Vehicle Testing related offences and driving dangerously defective vehicles?

A. Driving a vehicle that is defective in some way or that hasn't passed a basic roadworthiness test such as the Commercial Vehicle Test is a serious offence. It puts you at risk. It puts your passengers at risk. It puts other road users at risk.

Q. My current roadworthiness certificate is out of date and my Commercial Vehicle Test is booked for a future date, will I get penalty points if I drive my vehicle between now and the test date?

A. You are advised to get your vehicle tested as close as possible to the due date. There is normally not a lengthy waiting time to get a test at a Commercial Vehicle Test centre.

The Gardaí have advised motorists awaiting a test to carry proof of their test appointment with them at all times in order to assist them in explaining the situation should they be stopped by the Gardaí.

Q. Will the driver or the Operator/Owner of the vehicle incur the penalty points?

A. Under regulation 19(1) of Statutory Instrument No 771 of 2004 European Communities (Vehicle Testing) Regulations "a person shall not use in a public place a vehicle to which these Regulations apply unless there is in force in respect of the vehicle a certificate of roadworthiness". Under the regulations, both the user and the owner (if different) can be guilty of this offence. The change being effected from the 1 May 2009 is that, in addition to a court fine, contravention of regulation 19 now also attracts 5 penalty points following a conviction.

Q. If I am detected by the Gardaí for not having a valid Certificate of Roadworthiness, will I get a fixed charge notice and an opportunity to accept a lower number of points if I pay the fixed charge?

A. No. The new penalty point offences do not come within fixed charge notice system. They are **not** new road traffic offences. Enforcement of the offences remains unchanged in that it remains a matter for the Gardaí to decide whether or not to initiate proceedings for an alleged offence. A summons to Court will be issued by the Gardaí with fines applicable on conviction; the only difference is that from 1st May, they will attract penalty points in addition to a fine upon conviction in Court.

Q. Can I get penalty points on the spot, similar to speeding or seatbelt offences, for not having a current Certificate of Roadworthiness for the vehicle?

A. No. Penalty points can only be applied following a conviction in the Courts for an offence of failing to have a valid Certificate of Roadworthiness (5 points) or for driving a dangerously defective vehicle (5 points). At the moment, a person convicted in Court can be fined up to €3,000 and /or be given up to three months in prison. From 1st May, the Courts may also impose up to 5 penalty points.

Q. If I am driving a tractor unit and a semi trailer and neither of them have a current Certificate of Roadworthiness will I be liable for 10 penalty points?

A. It is a matter for the Gardaí to decide whether or not to initiate proceedings for an alleged offence in respect of any of these offences.

Q. If I pick up a trailer at the Port, which doesn't have a current Certificate of Roadworthiness, could I be liable for 5 penalty points?

A. SI No 771 of 2004 European Communities (Vehicle Testing) Regulations 2004 states that a person cannot use a vehicle in a public place unless there is a certificate of roadworthiness in force. Therefore, a driver could be liable for a fine up to €3,000 and /or up to 3 months imprisonment and/ or up to 5 penalty points should he/she be convicted in court of driving a vehicle without a current Certificate of Roadworthiness (CRW).

The CPC manager in Road haulage firms should have systems in place to ensure that trailers being collected are tested and drivers are advised to confirm this before collecting trailers.

Trailers are tested annually in the State in which they are registered. Each Member State is required to recognise the proof issued in another MS showing that a motor vehicle or trailer has passed its roadworthiness test in that MS. In the case of the UK, roadworthiness certificates are displayed on the trailers. Certificates of roadworthiness are not displayed on trailers in Ireland although it is required that trailers are tested annually for roadworthiness.

Q. What is required to train as a HGV/LGV tester?

A. You need a Senior Trade Certificate, National Craft Cert or a Level 6 Fetac certificate in a relevant trade. All non Irish qualifications should be sent to Fetac for assessment and must reach an equivalent Fetac level (Level 6). The first step is to contact an Authorised Officer for Vehicle Testing in your Local Authority.

Q. HGV Tester Training - Can I have my mechanics attend a HGV tester training course?

A. Yes. You should contact your local Authorised Officer for Vehicle Testing and they will arrange a course. Attendance at a course will not automatically lead to inclusion on the register of testers. (Refer to previous answer).

Q. HGV Trailer Test - Do I need to load my trailer for a HGV test?

A. No, the tester has the ability to test your brakes with a load simulation device.

Q. Heavy & Light Goods Vehicle Testers Licence – How to apply to open a Commercial Vehicle Testing Centre?

A. Currently all new applications for a HGV & LGV tester's license should be directed to your Local Authority. All new applications for authorised commercial vehicle testing should also be directed to your Local Authority.

Additional Commercial Vehicle Testing FAQs

- Q. My vehicle is exempt from tachograph requirements. Does it need to have a speed limitation device?*
- A. Tachograph requirements are based on vehicle type and usage. Speed limitation device installation and use are based only on the vehicle type and age. Vehicles that must have a speed limitation device are defined in S.I. No. 831 of 2005.
- Q. Why should I need to fit a speed limitation device when the design maximum speed of my vehicle is less than the maximum allowable speed limiter setting?*
- A. The requirement for a speed limitation device does not apply to a vehicle which by reason of its construction is incapable of being driven at a speed exceeding the maximum allowable speed limiter setting.
- Q. What is the speed limiter setting for a heavy goods vehicle?*
- A. The legislation permits any speed up to and including 90 kph for a goods vehicle with DGWV greater than 3500 kg.
- Q. What is the speed limiter setting for a passenger vehicle?*
- A. The legislation permits any speed up to and including 100 kph for a passenger vehicle with more than eight seats plus driver's seat.
- Q. If my HGV speed limiter setting is 90 kph, may I legally drive at 90 kph on motorways?*
- A. No. The speed limit for HGVs is 80 kph unless posted at a lower speed.
- Q. Can a coach be driven at 100 kph on national roads?*
- A. No. The maximum speed for coaches is 80 kph except on motorways and dual carriageways where it is permitted to drive at 100 kph.

Q. My goods vehicle rated at 5000 kg DGVW was first registered in the UK in August 2001. Do I need to have a speed limitation device fitted?

A. No. S.I. No. 831 of 2005 applies to goods vehicles exceeding 3500 kg but not exceeding 12000 kg that were first registered on or after 01 October 2001. The date of first registration means where the vehicle was first registered whether in Ireland or abroad.

Q. I have taken out all but six passenger seats from a Ford Transit mini-bus to accommodate wheelchairs. Is the vehicle exempt from the requirement for a speed limitation device?

A. No. The vehicle is considered to have the number of seats for which it was originally designed. In the case of a Ford Transit mini-bus, for example, this would normally be 14 or 17 seats and therefore the vehicle does require a speed limitation device.

Q. My jeep has two rows of seats and is taxed as a goods vehicle. Where should I get it tested?

A. Motor tax is based on use whereas testing is based on the vehicle type. Where the vehicle's Certificate of Registration and Licensing lists the J code as M1 and the J.1 code as A, the vehicle is a passenger vehicle. The motor tax class, J.2 is not considered for testing purposes. Passenger vehicles with driver's seat plus up to eight passenger seats are tested at an NCT centre.

Q. What is the definition of a Crew Cab?

A. The Finance Act of 2003 defines a crew cab as “a vehicle that comprises a cab, with seating for a driver and a minimum of 3 and a maximum of 6 other persons, and an area to the rear of the cab that is designed, constructed or adapted exclusively for the carriage of goods and which area –
(i) is completely and permanently separated from the cab by a rigid partition that is fixed in such a manner as may be prescribed by the Commissioners, and

(ii) has a floor length that is not less than 45 per cent of the wheelbase when measured in such a manner as may be prescribed by the Commissioners;”

The details of fixing the partition and measurement of the goods floor length are defined in S.I. No. 249 of 2003. A crew cab is a goods vehicle and is tested at a VTN centre.

Q. *Must I submit my camper van for roadworthiness testing?*

A. European legislation requires all vehicles with four or more wheels and used on public roads to undergo regular roadworthiness testing. The RSA is facilitating testing of these vehicles through the VTN network. Motor caravans with a Design Gross Vehicle Weight (DGVW) not exceeding 3500kg are tested at a LGV centre. Those exceeding 3500kg DGVW are tested at a HGV centre.