



STATUTORY INSTRUMENTS.

S.I. No. 443 of 2021



AUTHORISATION OF COMMERCIAL VEHICLE ROADWORTHINESS
TEST OPERATORS AND TESTERS (AMENDMENT) REGULATIONS
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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by sections 4, 9, 11(2) and 16(1) 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)), hereby make the following regulations:

1. These Regulations may be cited as the Authorisation of Commercial Vehicle Roadworthiness Test Operators and Testers (Amendment) Regulations 2021.

2. In these Regulations “Principal Regulations” mean the Authorisation of Commercial Vehicle Roadworthiness Test Operators and Testers Regulations 2013 (S.I. No. 107 of 2013).

3. Regulation 3 of the Principal Regulations is amended –

(a) 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 2013¹ as amended by Commission Delegated Regulation (EU) No. 1322/2014 of 19 September 2014², Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016³, Commission Delegated Regulation (EU) 2016/1788 of 14 July 2016⁴, Commission Delegated Regulation (EU) 2018/830 of 9 March 2018⁵ and Regulation (EU) 2019/519 of the European Parliament and of the Council of 19 March 2019⁶,”

(b) 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 Annex I to the Type-

¹ OJ No. L 60, 2.3.2013, p.1.

² OJ No. L 364, 18.12.2014, p.1.

³ OJ No. L 252, 16.9.2016, p.53.

⁴ OJ No. L 277, 13.10.2016, p.1.

⁵ OJ No. L 140, 6.6.2018, p.15.

⁶ OJ No. L 91, 29.3.2019, p.42.

approval Framework Regulation, and references to particular categories of vehicle are to those categories of vehicle specified in that Annex, 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;”,
- (c) 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 2018⁷;”, and
- (d) by the deletion of the definitions of “CVR vehicle” and “Type-approval Framework Directive”.

4. The Principal Regulations are amended by the deletion of Part 5.

5. Schedule 1 to the Principal Regulations is amended –

- (a) by the substitution of “Regulations 4, 5, 11, and 12” for “Regulations 4, 5, 11, 12 and 17”,
- (b) in Part 1, by the deletion of the form for application for temporary transfer of a CVR test operator authorisation, and
- (c) in Part 2 –
 - (i) by the substitution in section 1 of the following paragraph for paragraph 1.2:
 - “1.2 This authorisation may not be assigned or otherwise transferred to any other person other than in accordance with paragraphs 19B and 19C of section 2 (Conditions of Authorisation).”,
 - and
 - (ii) by the insertion in section 2 of the following paragraphs after paragraph 19:

19A. Notification to the Authority

19A.1 Where a CVR test operator, or in the case of a company, a director or the secretary of that company, or in the case of a partnership or other unincorporated association, a partner or member of that association, dies or is permanently incapacitated, the personal representative, or in the case of a company, another director or the secretary of that company, or in the case of a partnership or other unincorporated association, a partner or member of that

⁷ OJ No. L151, 14.6.2018, p.1.

association, shall notify the Authority of such death or incapacity in writing as soon as reasonably practicable.

19A.2 Where the authorisation of a CVR test operator is held in the name of a company or an unincorporated body and a person or group of persons acting in concert gains control of that company or the unincorporated body, the CVR test operator shall promptly notify the Authority, in writing, upon becoming aware of that event.

19B. Temporary transfer of authorisation in case of death or incapacity

19B.1 Subject to the requirements of section 11(1)(c) to (f) of the Act of 2012, the Authority may, if satisfied that it is necessary in order to avoid hardship, temporarily transfer a CVR test operator's authorisation –

- (a) in the case of a CVR test operator who has died –
 - (i) to the personal representative of the CVR test operator, or
 - (ii) subject to the consent in writing of such personal representative, to the spouse, civil partner, child or parent of the CVR test operator,

or

- (b) in the case of a CVR test operator who is permanently incapacitated, to the spouse, civil partner, child or parent of the CVR test operator.

19B.2 An authorisation temporarily transferred under paragraph 19B.1 shall expire 4 months after the date of the transfer.

19B.3 No fee shall be payable in respect of –

- (a) an application for the temporary transfer of a CVR test operator's authorisation under paragraph 19B.1, or
- (b) following the expiry of a temporary authorisation granted under paragraph 19B.1, the subsequent application by the holder of such temporary authorisation for authorisation as a CVR test operator under section 9 of the Act of 2012.

19B.4 An application for the temporary transfer of an authorisation under paragraph 19B.1 shall be made to the

Authority in the form made available for that purpose on the Authority's website.

19C. Transfer of authorisation to a company controlled by CVR test operator

19C.1 A CVR test operator who is a natural person may apply to the Authority to transfer his or her authorisation to a company in which a majority of the shares are held by him or her for the unexpired term of the authorisation.

19C.2 Subject to the requirements of section 11(1)(c) to (f) of the Act of 2012, the Authority may, if satisfied that the company referred to in paragraph 19C.1 is capable of complying with these Conditions of Authorisation, transfer an authorisation under that paragraph.

19C.3 No fee shall be payable in respect of an application for the transfer of a CVR test operator's authorisation under paragraph 19C.1.

19C.4 An application for the transfer of an authorisation under paragraph 19C.1 shall be made to the Authority in the form made available for that purpose on the Authority's website.”.



GIVEN under my Official Seal,
31 August, 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 amend the Authorisation of Commercial Vehicle Roadworthiness Test Operators and Testers Regulations 2013 (S.I. No. 107 of 2013) by removing the prohibition on the transfer of a CVR test operator's authorisation in specific circumstances.

The Regulations facilitate the transfer of ownership of a testing centre in cases where the authorisation holder is a sole trader or a partnership and setting up a limited company.

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