

SL1 – To Departmental Committee Clerk

Dear Michael,

The Motor Vehicle (Construction and Use) (Amendment) Regulations (Northern Ireland) 2026

The Department for Infrastructure proposes to make a Statutory Rule under powers conferred by Articles 55 and 110(2) of the Road Traffic (Northern Ireland) Order 1995. The Statutory Rule is subject to negative resolution procedure before the Assembly.

Purpose of the Statutory Rule

The Department proposes to make a Statutory Rule to provide for the introduction of Particle Number (PN) diesel emission testing on light diesel vehicles (3,500kgs and under), first registered from 01 January 2013, as part of the annual roadworthiness inspection (MOT) as an alternative to the current smoke opacity test. The SR will also provide for PN testing of diesel emissions on light vehicles and heavy vehicles exceeding 3,500kgs during roadside enforcement checks.

The Driver and Vehicle Agency (DVA) currently conducts a fully compliant diesel emissions test on all heavy goods vehicles, buses and vans over 3,500kgs, and a partial diesel emissions test for cars and light goods vehicles. This includes a visual inspection of the vehicle's emissions and a check of the engine Malfunction Indicator Lamp (MIL), which indicates a defect in the vehicle emission control systems.

The European Commission has recommended a diesel emissions PN test for younger vehicles as an alternative to the current diesel smoke test. This is because younger vehicles, which due to their design may produce high levels of hazardous particulate matter if not properly maintained, are unlikely to fail the diesel smoke test. Trials of the new PN test equipment have indicated that the PN emissions test could be introduced throughout the existing test centre network to test light diesel vehicles at annual MOT and conduct related roadside enforcement checks on private and commercial vehicles including taxis, light and heavy goods vehicles and buses.

It is proposed to make the amending Regulations with a six-month commencement period to allow sufficient lead-in time prior to the full implementation of PN testing. This commencement period is considered necessary and proportionate to ensure operational readiness, and fair notice for those affected. Evidence from jurisdictions that have already introduced PN testing indicates that an advisory and preparatory period is of significant benefit to both external and internal stakeholders, including vehicle owners, garages and parts suppliers, and vehicle testing bodies.

The six-month customer advisory and stakeholder preparatory period will allow the Department and industry sufficient time to raise awareness of the new testing requirements, and for garages to upskill technicians and establish reliable parts supply chains for specialist components. This will also enable the DVA to complete the equipment rollout programme, monitor equipment performance in a live testing

environment and finalise calibration, maintenance and system integration arrangements. This approach will positively impact on the timescales affecting vehicle repair and mitigates the risk of prolonged vehicle down time. It also supports consistent application of the new requirements, and confidence in the integrity of test results when the Regulations become fully operational.

The Statutory Rule will make provision for the DVA to meet its statutory obligations by introducing a legally compliant emissions test on light vehicles fitted with a modern diesel engine at annual MOT and conduct related roadside enforcement checks on light and heavy vehicles.

Previous Engagement with the Committee

On 18 July 2024, the Department wrote to the Committee for Infrastructure with an advance copy of its public consultation on Changing the exhaust emission test for light vehicles with a modern diesel engine. On 25 October 2024, DVA provided the Committee with the synopsis of consultation responses report. Further follow up questions by the Committee were answered in November 2024. On 15 January 2025, the DVA informed the Committee by letter of Minister O'Dowd's decision to progress the implementation of a PN emissions test for modern light diesel vehicles subject to annual MOT testing. Introduction of PN testing has been delayed, primarily due to the termination of the DVA's vehicle equipment contract and the resultant procurement process for the new Vehicle Testing Solution contract, which was awarded on 11 March 2026.

Consultations

On 24 July 2024, the DVA published a consultation [Driver and Vehicle Agency \(DVA\) Consultation – Changing the exhaust emissions test for light vehicles with a modern diesel engine | Department for Infrastructure](#). The consultation ran for 8 weeks and closed on 18 September 2024.

The consultation proposed introducing PN testing as an alternative exhaust emissions test for cars and light goods vehicles fitted with a modern diesel engine.

A total of 490 responses were received. However, the consultation was only viewed 364 times, which may suggest that a significant number of respondents neglected to read the consultation before answering the related questions.

Detailed email responses were received from the Alliance Party of Northern Ireland, Logistics UK (whose membership of over 20,000, includes global, national and regional businesses) and the Northern Ireland Commissioner for Children and Young People (NICCY). A further 487 individuals responded anonymously through the Citizen Space portal. The consultation asked four questions that collectively sought support on introducing PN emission testing during MOT inspections and roadside enforcements checks at the earliest opportunity.

The Alliance Party, Logistics UK and NICCY all expressed support for the introduction of the new PN test. Each of the individual respondents provided a similar response to all four questions. Approximately 18% of individual respondents supported the proposals to introduce the more effective PN emissions test for light vehicles fitted with a modern diesel engine and conduct similar emissions tests during roadside enforcement checks on light and heavy diesel vehicles. Approximately 82% of individual respondents did not support these proposals.

The consultation proposals attracted a significant number of negative responses from anonymous individuals, which may reflect an anticipated increase to the MOT test failure rates and the associated vehicle repair costs for affected customers. A concern that the new test will help to stifle the illegal practice of bypassing the vehicle's diesel particulate filter (DPF) and emissions control systems may also have contributed to the number of negative responses. Synopsis report link: <https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/changing-exhaust-emissions-test-for-light-vehicles-with-modern-diesel-engine-consutation-report.pdf>

However, the Commission Recommendation (EU) 2023/688 of 20 March 2023, highlights the significant benefits of PN testing over diesel smoke testing (considered as making a positive contribution to improving air quality) and the introduction of the PN testing represents a more cost-effective means of delivering an effective diesel emissions test for modern vehicles.

Equality Impact

In accordance with its duty under Section 75 of the Northern Ireland Act 1998, an Equality of Opportunity Screening Analysis was completed regarding the proposed PN test. The screening, which is published on the DfI Departmental website (link below) concluded that there were no groupings that would be subject to a significant disproportionate impact. <https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/changing-exhaust-emissions-test-for-light-vehicles-with-modern-diesel-engine-screening-form.pdf>

Regulatory Impact

A Regulatory Impact Assessment was carried out and concluded that there were no undue impacts arising from introducing PN testing for light diesel vehicles at their annual MOT inspection.

Rural Needs Impact

A Rural Needs Impact Assessment was carried out and concluded that there were no undue impacts on rural communities arising from introducing PN testing.

Data Protection Impact

A data protection impact screening assessment was carried out which indicated that a full impact assessment was not required. The new PN test will be integrated into the current annual MOT inspection and will not require any additional information from DVA customers (either private or businesses).

Child Rights Impact

A Child Rights Impact Assessment was carried out and there is no evidence to suggest that the Statutory Rule is likely to negatively impact upon children.

Position in Great Britain

In Great Britain, vehicle testing is conducted in private garages which are regulated by the Driver Vehicle Standards Agency (DVSA). On 14 July 2023, GOV.UK posted a blog confirming piloting of PN testing. The trials consisted of working with 10 garages of varying sizes to trial different models of PN testing equipment. Details of the trial outcome have not been published. In January 2024, the Department for Transport (DfT) published a consultation response which included comments from stakeholders on the introduction of PN testing, both positive and negative. DfT recommended proceeding with trials to determine if and how PN testing can be implemented in Great Britain.

Any Other Information

In 2023 the European Commission (EC) recommended PN testing for modern diesel vehicles. The EC is now proposing PN testing being integrated into the new Roadworthiness package which is currently being negotiated with the European Parliament.

Financial Implications

PN testers are being supplied and maintained as part of the DVA's new equipment supply contract. The capital cost of purchasing PN testers and integrating these within each of the DVA's vehicle test lanes is estimated at £0.5 million. The DVA has sufficient cash reserves to cover these costs, and therefore no additional funding is required from the Department.

Compliance with Section 24 of the Northern Ireland Act 1998

The Department considered the impacts of the proposals with respect to its statutory obligations under Section 24 of the Northern Ireland Act 1998 and Article 2(1) of the Windsor Framework, and no discernible impacts were identified.

Consideration by the Executive

The SL1 has not been considered by the Executive as referral was not required.

Proposed Timing of Consideration of the SL1

This SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe, and the Department proposes that the Committee consider the SL1 on ***** 2026

Proposed Operational Date

It is proposed that the amending Motor Vehicles (Construction and Use) Regulation will become fully operational on 1 June 2027.

Yours sincerely,

Darren Murray
Departmental Assembly Liaison Officer
Signed for The Department for Infrastructure

Committee for Infrastructure Clerk
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Date: XXXX

cc: TEO Assembly & Legislation Sections Affirmative Confirmatory SRs and those requiring Executive approval only)
Human Rights Commission (All SL1s)
Equality Commission (All SL1s)