STATUTORY RULES OF NORTHERN IRELAND

2017 No. 191

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Authorised Weight) and (Construction and Use) (Amendment) Regulations (Northern Ireland) 2017

Made - - - - 15th September 2017

Coming into operation 16th October 2017

The Department for Infrastructure(**1**) makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**2**) and Articles 55 and 110(2) of the Road Traffic (Northern Ireland) Order 1995(**3**) and now vested in it(**4**).

The Department for Infrastructure is designated for the purposes of section 2(2) of the European Communities Act in relation to measures relating to the carriage of passengers and goods by road(**5**) and railways and railway transport(**6**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Authorised Weight) and (Construction and Use) (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on 16th October 2017.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999

2.—(1) The Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999(**8**) are amended in accordance with paragraphs (2) to (6).

(**1**) Formerly the Department for Regional Development; *see* section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment was dissolved

(**2**) 1972 c. 68; section 2(2) is amended by section 27(1)(a) of the Legislative Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7)

(**3**) S.I. 1995/2994 (N.I. 18); Article 55 was amended by Article 42(1) of the Road Traffic (Northern Ireland) Order 2007

(**4**) *See* Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(**5**) S.I. 1996/266, to which there are amendments not relevant to these Regulations

(**6**) S.I. 1996/266

(**7**) 1954 c. 33 (N.I.)

(**8**) S.R. 1999 No. 258 as amended by S.R. 2002 No. 8

(2) In regulation 2(1) (interpretation) insert the following definitions in the appropriate alphabetical order—

""alternative fuel" means a fuel or power source which serves, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which has the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, consisting of—

(a) electricity consumed in all types of electric vehicles;

(b) hydrogen;

(c) natural gas, including biomethane, in gaseous form and liquefied form;

(d) liquefied petroleum gas; or

(e) mechanical energy from on-board sources, including waste heat;";

""alternatively fuelled vehicle" means a motor vehicle powered wholly or in part by an alternative fuel and which has been approved under the Framework Directive;";

""bus" means a motor vehicle which is constructed or adapted to carry more than eight seated passengers in addition to the driver;";

""Framework Directive" means Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(**9**);";

""shipper" means a person who is named on the bill of lading, through bill of lading or on an equivalent transport document as the shipper and in whose name or on whose behalf a contract of carriage has been concluded with the transport company;"; and

""swap body" means a part of a vehicle which is intended to bear the load, has supports and, by means of a device which is part of the vehicle, may be detached from the vehicle and re-incorporated into it;".

(3) For regulation 3 (application of Regulations)(**10**) substitute—

"**3.** These Regulations apply to all wheeled motor vehicles and trailers which fall within category M_2, M_3, N_2, N_3, O_3 or O_4 of the wheeled categories defined in Annex II to the Framework Directive except vehicle combinations which for the time being fulfil the requirements of Part II, III and IV of Schedule 14 to the 1999 Regulations (exemptions relating to intermodal transport operations).".

(4) In regulation 4 (maximum authorised weights)—

(a) in paragraph (1) for "paragraph (2)" substitute "paragraphs (2) and (3)"; and

(b) after paragraph (2) add—

"(3) The maximum authorised weight of a relevant alternatively fuelled vehicle is increased by a maximum of 1000 kg where—

(a) a type or individual approval has been granted to the vehicle under the Framework Directive which provides evidence that the weight of the alternative fuel powertrain exceeds the weight of a conventional powertrain by a specified amount; and

(b) the weight of the alternative fuel powertrain is included in the maximum permitted gross or train weight specified on any plates required by regulation 79 of the 1999 Regulations(**11**).

(**9**) OJ L 263, 9.10.2007, p 1
(**10**) Regulation 3 was substituted by S.R. 2002 No. 8, regulation 3
(**11**) Regulation 79 was amended by S.R. 2002 No. 294, regulation 2 and S.R. 2002 No. 375, regulation 11

(4) A "relevant alternatively fuelled vehicle" means an alternatively fuelled vehicle of a type described in items 1, 5, 6 or 9 of Table 1 in Schedule 1.".

(5) After regulation 5 (compliance with regulation 93 of the 1999 Regulations (over-riding weight restrictions))(**12**) add—

"**Information about the weight of a container**

6.—(1) The shipper must give to the haulier to whom it entrusts the transport of a container or swap body a written statement indicating the gross weight of the container or swap body transported.

(2) The haulier must provide enforcement authorities access to all relevant documentation provided by the shipper.".

(6) In Schedule 1 (maximum authorised weights for vehicles)—

(a) in paragraph 1(1) for "Subject to paragraph 2" substitute "Subject to paragraphs 1A and 2";

(b) in Table 1—

(i) in column 2 of item 1 after "vehicle" add "which is not a bus"; and

(ii) after item 1 insert—

"1A	Rigid motor vehicle which is a bus	2 19500"

; and

(c) after paragraph 1 insert—

"**Maximum authorised weight of a relevant alternatively fuelled vehicle**

1A. The vehicles described in items 1, 5, 6 or 9 of Table 1 may exceed the weight specified in column 4 by 1000 kg where the requirements of regulation 4(3) are fulfilled.".

Amendment of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999

3.—(1) The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**13**) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of "combined transport operation";

(b) after the definition of "first used" insert—

""fuel cell" means a device in which hydrogen reacts with oxygen, creating water and generating an electric current;";

(c) in the definition of "gas-fired appliance"—

(i) for "neither—" substitute "none of the following—";

(ii) in paragraphs (a) and (b) omit "nor"; and

(iii) after paragraph (c) add—

(**12**) Regulation 5 was substituted by S.R. 2002 No. 8, regulation 5

(**13**) S.R. 1999 No. 454; relevant amending Regulations are S.R. 2002 No. 294, S.R. 2002 No. 375, S.R. 2004 No. 44, S.R. 2004 No. 48, S.R. 2010 No. 179, S.R. 2010 No. 181, S.R. 2011 No. 303, S.R. 2014 No. 216 and S.R. 2016 No. 160

"(d) a fuel cell;";

(d) after the definition of "industrial tractor" insert—

"intermodal transport operation" shall be construed in accordance with paragraph 11(2) of Part V of Schedule 14;";

(e) after the definition of "light trailer" insert—

""liquefied petroleum gas" means—

(a) butane gas in any phase which meets the requirements contained in the specification of commercial butane and propane issued by the British Standards Institution under the number BS 4250:2014 and published on 30th November 2014(**14**); or

(b) propane gas in any phase which meets the requirements contained in the said specification; or

(c) any mixture of such butane gas and such propane gas;"; and

(f) after the definition of "statutory power of removal" insert—

""swap body" means a part of a vehicle which is intended to bear the load, has supports and, by means of a device which is part of the vehicle, may be detached from the vehicle and re-incorporated into it;".

(3) In regulation 6 (length)—

(a) in the Table in paragraph (1)(**15**), after item 5 insert—

"5A	An articulated vehicle, the semi-trailer of which meets the requirements of paragraph (10), is not a low loader and is carrying one or more containers or swap bodies up to a total maximum length of 45 feet as part of an intermodal transport operation	16.65"

(b) for paragraph 10(a) substitute—

"(a) the longitudinal distance from the axis of the king-pin to the rear of the semi-trailer does not exceed—

(i) 12.5m in the case of a car transporter;

(ii) 12.15m when carrying one or more containers or swap bodies up to a total maximum length of 45 feet as part of an intermodal transport operation; or

(iii) 12m in any other case; and".

(4) In regulation 7 (width)—

(a) in the Table in paragraph (1)(**16**), in column 2 of item 2 for "A refrigerated vehicle" substitute "A refrigerated vehicle, conditioned container or swap body";

(b) for paragraph (4) substitute—

"(4) In this regulation—

(**14**) ISBN 978 0 580 83133 1
(**15**) The Table was amended by S.R. 2004 No. 48, regulation 3
(**16**) The Table was amended by S.R. 2010 No. 179, regulation 2