STATUTORY RULES OF NORTHERN IRELAND

2011 No. 329

ROAD TRAFFIC AND VEHICLES

The Road Vehicles Lighting (Amendment No. 3) Regulations (Northern Ireland) 2011

Made - - - -	*22nd September 2011*
Coming into operation	*21st October 2011*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 55(1), (2), (4) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Vehicles Lighting (Amendment No. 3) Regulations (Northern Ireland) 2011 and shall come into operation on 21st October 2011.

(2) In these Regulations "the principal Regulations" means the Road Vehicles Lighting Regulations (Northern Ireland) 2000(**2**).

Amendments to regulation 2 (interpretation)

2.—(1) Regulation 2 of the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) after the definition of "Community Directive 76/756/EEC, as last amended by Directive 91/663/EEC" insert—

> ""conspicuity marking" means a device intended to increase the conspicuity of a vehicle, when viewed from the side or rear, by the reflection of light emanating from a light source not connected to the vehicle, the observer being situated near the source(**3**);";

(b) in the definition of "emergency vehicle"(**4**)—

(i) in sub-paragraph (a) for "fire brigade" substitute "fire and rescue authority";

(**1**) S.I. 1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "the Department" and "prescribed"
(**2**) S.R. 2000 No. 169; relevant amending Regulations are S.R. 2001 No. 171, S.R. 2007 No. 239 and S.R. 2011 No. 49
(**3**) The same definition is used in ECE Regulation 48 (*see* paragraph 2.7.17.)
(**4**) The definition of "emergency vehicle" was amended by regulation 2 of S.R. 2007 No. 239

(ii) at the end of sub-paragraph (j) omit "and";

(iii) after sub-paragraph (k) add—

"and

(l) a search and rescue vehicle deployed on the authority of the Chief Constable on search and rescue operations;";

(c) after the definition of "kg" insert—

""km/h means kilometres per hour;";

(d) after the definition of "main beam" insert—

""mandatory ECE conspicuity requirements" means the requirements specified in—

(a) paragraph 5.15. of ECE Regulation 48 in respect of a conspicuity marking, and

(b) paragraph 6.21. of ECE Regulation 48 as relating to vehicles for which the fitting of conspicuity markings is mandatory;";

(e) after the definition of "optional" insert—

""optional ECE conspicuity requirements" means the requirements specified in—

(a) paragraph 5.15. of ECE Regulation 48 in respect of a conspicuity marking, and

(b) paragraph 6.21. of ECE Regulation 48 as relating to vehicles for which the fitting of conspicuity markings is optional;".

(3) After paragraph (7) add—

"(8) In these Regulations, a reference to "ECE Regulation" followed by a number is a reference to the regulation of the same number annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicle Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 2nd March 1958 as revised and re-titled the Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for reciprocal recognition of approvals granted on the basis of these Prescriptions by an agreement at Geneva on 5th October 1995.

(9) In these Regulations, a reference to ECE Regulation 48 is to that Regulation as amended by the 03 series of amendments (as in force on 12th June 2007) with the following modifications—

(a) footnote 6 is omitted;

(b) paragraph 6.21.4.1.3. is deemed to read "In the case of a motor vehicle first used before 10th October 2011 or a trailer sold or supplied by retail before 10th October 2011, where it is impossible to achieve the value referred to in paragraph 6.21.4.1.2. above, the cumulative length may be reduced to 60 per cent.";

(c) paragraph 6.21.4.2.3. is deemed to read "In the case of a motor vehicle first used before 10th October 2011 or a trailer sold or supplied by retail before 10th October 2011, where it is impossible to achieve the value referred to in paragraph 6.21.4.2.2. above, the cumulative length may be reduced to 60 per cent;";

(d) footnote 10 is omitted;

(e) in paragraph 6.21.7.3. the reference to a "mandatory stop lamp" is deemed to be a reference to an obligatory stop lamp;

(f) in paragraph 6.21.7.4. the words "at the discretion of the manufacturer" are omitted; and

(g) paragraph 6.21. is deemed to contain the following paragraph inserted after paragraph 6.21.7.5.—

"6.21.7.6. No conspicuity marking may be fitted unless it bears the international approval mark referred to in paragraph 5.4. of ECE Regulation 104 (as in force on 11th July 2008)(**5**).""

Amendments to regulation 11A (modifications in relation to vehicles approved under the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001)

3. In regulation 11A(1) of the principal Regulations(**6**)—

(a) in the definition of "coefficient of luminous intensity", for "ECE Regulation 3.01" substitute "ECE Regulation 3 as amended by the 01 series of amendments (as in force on 20th March 1982)"; and

(b) omit the definition of "ECE Regulation 3.01".

Amendments to regulation 13 (colour of light shown by lamps and reflectors)

4.—(1) Regulation 13 of the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) at the end of sub-paragraph (c) omit "or"; and

(b) after sub-paragraph (d) add—

"or

(e) a red light from a dot matrix message bar to the rear of a vehicle used by the Driver and Vehicle Agency for enforcement purposes.".

(3) In paragraph (2)—

(a) after sub-paragraph (l)(xii) add—

"(xiii) a vehicle used for the purpose of driver and vehicle enforcement;";

(b) at the end of sub-paragraph (w) omit "or";

(c) for sub-paragraph (x) substitute—

"(x) reflected light from a yellow conspicuity marking where the fitting of that marking complies with the mandatory or optional ECE conspicuity requirements; or

(y) reflected light from yellow or orange retro reflective material fitted to the rear of a vehicle used for—

(i) police;

(ii) fire and rescue authority;

(iii) ambulance; or

(iv) Driver and Vehicle Agency enforcement,

purposes.".

(**5**) Cmnd. 1830 5.10.1995; this Agreement is known as the "UNECE Vehicle Regulations – 1958 Agreement"

(**6**) Regulation 11A was inserted by regulation 2 of S.R. 2001 No. 171

Amendments to regulation 15 (lamps to show a steady light)

5. In regulation 15(2) of the principal Regulations(**7**)—

(a) at the end of sub-paragraph (h) omit "or";

(b) after sub-paragraph (i) add—

"(j) a vehicle used by the Driver and Vehicle Agency for enforcement purposes fitted with—

(i) a lamp which automatically emits a flashing white light to the front,

(ii) a dot matrix message bar which emits a flashing red light to the front and rear; or

(k) a vehicle used for fire and rescue authority purposes.".

Amendments to regulation 21 (obligatory lamps, reflectors, rear markings and devices)

6.—(1) Regulation 21 of the principal Regulations(**8**) is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) after "of these Regulations" insert ", in regulation 23A(8)".

(3) In paragraph (3) after "23", insert ", 23A".

Amendment to regulation 23 (optional lamps, reflectors, rear markings and devices)

7. In regulation 23, for "Every optional lamp", substitute "Subject to regulation 23A(8), every optional lamp".

Insertion of regulation 23A

8. After regulation 23 of the principal Regulations insert—

"**Application of the ECE conspicuity requirements**

23A.—(1) Subject to paragraphs (2), (3) and (4), a "relevant goods vehicle" to which this regulation applies is—

(a) a motor vehicle first used on or after 10th July 2011; or

(b) a trailer sold or supplied by retail on or after 10th July 2011,

and shall be fitted with conspicuity markings which comply with the mandatory ECE conspicuity requirements.

(2) Paragraph (1) does not apply in respect of a relevant goods vehicle which is—

(a) a motor vehicle with a maximum gross weight not exceeding 7500 kg;

(b) a trailer with a maximum gross weight not exceeding 3500 kg;

(c) an incomplete vehicle proceeding to a works for completion or to a place where it is to be stored or displayed for sale; or

(d) a motor car or heavy motor car intended to form part of an articulated vehicle.

(3) If the overall length of a relevant goods vehicle does not exceed 6 m, conspicuity markings that comply with the mandatory ECE conspicuity requirements need not be fitted to the side of that vehicle.

(**7**) Regulation 15 was amended by regulation 5 of S.R. 2007 No. 239 and regulation 3 of S.R. 2011 No. 49
(**8**) Regulation 21 was amended by regulation 6 of S.R. 2007 No. 239