STATUTORY RULES OF NORTHERN IRELAND

2009 No. 336

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*2nd October 2009*
Coming into operation	*2nd November 2009*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 55(1), (2) 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 Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 2nd November 2009.

(2) In these Regulations, "the principal Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**2**).

Amendment to regulation 38

2.—(1) Regulation 38 of the principal Regulations(**3**) (mirrors and other devices for indirect vision) is amended as follows.

(2) In paragraph (1), for "paragraphs (5) and (6)", substitute "paragraphs (5) to (6H)".

(3) After paragraph (6) insert—

"(6A) The requirements set out in paragraph (1) and the Table are modified as set out in paragraphs (6C) and (6D) in so far as those requirements relate to a relevant vehicle and to the fitting of class IV and class V mirrors on the passenger's side of that vehicle.

(6B) The alternative requirements set out in paragraph (5) do not apply in so far as those requirements relate to a relevant vehicle and to the fitting of class IV and class V mirrors on the passenger's side of the vehicle.

(**1**) S.I. 1995 No. 2994 (N.I. 18); *see* Article 2(2) for the definition of "the Department"
(**2**) S.R. 1999 No. 454; relevant amending regulations are S.R. 2007 No. 15, S.R. 2007 No. 481, S.R. 2004 No. 67, S.R. 2007 No. 15 and S.R. 2007 No. 481
(**3**) Regulation 38 was amended by S.R. 2007 No. 15 regulation 3 and S.R. 2007 No. 481 regulation 4

(6C) Subject to paragraph (6F), a relevant vehicle which would otherwise be required to meet the requirements set out in item 3 of the Table shall instead meet the requirements set out in item 4 which are applicable to a vehicle of the same maximum gross weight.

(6D) Subject to paragraph (6F), a relevant vehicle which would otherwise be required to meet the requirements set out in item 5 of the Table shall instead meet the requirements set out in item 6.

(6E) For the purposes of paragraphs (6C) and (6D)—

(a) the words "and other devices for indirect vision" are omitted from item 4; and

(b) the words "or other devices for indirect vision" are omitted from items 4 and 6.

(6F) A relevant vehicle does not have to comply with paragraph (6C) or (6D) (whichever is applicable to the vehicle) in the circumstances set out in paragraph (6G) or (6H).

(6G) The first set of circumstances is where the vehicle is equipped in the manner described in article 3(2) of Community Directive 2007/38.

(6H) The second set of circumstances is where the vehicle cannot, for want of available, economically viable, technical solutions—

(a) comply with paragraph (6C) or (6D) (whichever is applicable to the vehicle); or

(b) be equipped in the manner described in article 3(2) of Community Directive 2007/38,

but is equipped in the manner described in article 3(3) of Community Directive 2007/38.".

(4) After paragraph (7)(d) insert—

"(e) "class IV" and "class V", in relation to mirrors, have the meanings given in point 1.1.1.14 of Annex I to Community Directive 2003/97(**4**); and

(f) "a relevant vehicle" means a vehicle which—

(i) would be a goods vehicle of a class referred to in column 2 of item 4 or 6 of the Table if "1st January 2000" were substituted for "26th January 2007"; and

(ii) is not outside the scope of Community Directive 2007/38 by virtue of article 2(2)(b) or (c) of that Directive.".

(5) After paragraph (8) insert—

"(9) Where a provision is applied by paragraph (6C) or (6D) to a vehicle which was first used on or after 1st January 2000, that provision applies to the vehicle whatever the date of manufacture of the vehicle, and regulation 4(2) is disapplied accordingly.".

Amendment to Schedule 1

3. In Table 1 in Schedule 1 to the principal Regulations(**5**), after item 103 add—

(**4**) These meanings are the same as in Community Directive 2005/27 and ECE Regulation 46.02.

(**5**) Table 1 in Schedule 1 was amended by S.R. 2004 No. 67 regulation 10, S.R. 2007 No. 15 regulation 4 and S.R. 2007 No. 481 regulation 6