STATUTORY RULES OF NORTHERN IRELAND

2007 No. 481

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 2007

Made - - - -	*23rd November 2007*
Coming into operation	*5th January 2008*

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

Citation and commencement

1. These regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 2007 and shall come into operation on 5th January 2008.

Interpretation

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

Amendment to regulation 2 (interpretation)

3. In regulation 2(1) of the principal Regulations after the definition of "the Approval Marks Regulations" insert—

"the EC Whole Vehicle Type Approval Regulations" means the Motor Vehicles (EC Type Approval) Regulations 1998(**3**);".

Amendment to regulation 38 (mirrors)

4. In regulation 38 of the principal Regulations—

(a) in paragraph (7)(a) for the word "prevent" substitute "present";

(**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. 2001 No. 28, regulation 7, S.R. 2002 No. 375, regulation 13, S.R. 2004 No. 67, regulation 10 and S.R. 2007 No. 15, regulation 4
(**3**) S.I. 1998/2051

(b) in column 2 of item 5 in the Table for the words "first used on or after 1st October 1988" substitute "first used on or after 1st October 1989".

Amendment to regulation 74A

5.—(1) Regulation 74A(**4**) of the principal Regulations, (emission of smoke, vapour, gases, oily substances, etc– further requirements for certain motor vehicles first used on or after 28th February 2003) shall be amended in accordance with paragraphs (2) to (5).

(2) For paragraph (7) substitute—

"(7) If a vehicle has, in accordance with Schedule 8, been exempted from the need to comply with any provision of a Community Directive specified in item 1 or 2 in the Table ("the exempted provision"), it shall, in substitution for the exempted provision, comply with the equivalent provision (if any) that would have applied by virtue of this regulation in relation to such a vehicle immediately before the coming into operation of the requirement to comply with the exempted provision; and in relation to that equivalent paragraphs 2 to 4 shall apply as if they referred to the Community Directive under which that equivalent provision arose".

(3) In paragraph (8) for sub-paragraph (b) substitute—

"(b) "date as is specified" means, in relation to any vehicle and—

(i) in relation to limit values set by a Community Directive specified in item 1 or 2 in the Table, the date specified by that Community Directive as that from which Member States are required to prohibit the registration or the entry into service of that vehicle if it does not comply with those limit values; or

(ii) in relation to emission control and monitoring systems and devices, the date specified by a Community Directive specified in item 1 and 2 in the Table as that from which Member States are required to ensure that such equipment is fitted to that vehicle,

provided that, where a Community Directive specified in item 2 in the Table re-enacts a requirement imposed by a Community Directive that had been specified in that item immediately before 9th November 2006, the date as is specified shall be the date that had been specified by the previous Directive;".

(4) After paragraph (8), insert—

"(9) Regulation 3(2) does not apply to any requirement imposed on a vehicle by or under this regulation.".

(5) In the Table for item 2 substitute—

"2.	2005/55/EC or ECE Regulation 49.02	2005/78/EC, 2006/51/EC".

Amendment to Schedule 1 (Council directives and ECE Regulations)

6. In Table 1 in Schedule 1 to the principal Regulations, after item 86 insert—

"86A.	2005/55	28.09.05	L275, 20.10.05, p1	The measures to be taken against the		

(**4**) S.R. 1999 No. 454; regulation 74A was inserted by S.R. 2002 No. 375 regulation 10 and amended by S.R. 2004 No. 67 regulation 9

				emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles		
86B	2005/78	14.11.05	L31, 29.11.05, p1	The measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles	2005/55	
86C	2006/51	6.6.06	L152. 7.6.2006, p11	The measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and	2005/55, 2005/78”	

				the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles		

Amendment of Schedule 8 (End of series exemptions)

7.—(1) Schedule 8(**5**) to the principal Regulations shall be amended in accordance with paragraphs (2) to (8).

(2) For sub-paragraph (4A) of paragraph 1 substitute—

"(4A) No provision of any Community Directive specified in an item numbered 1 or 2 in the Table in regulation 74A shall be deemed to be a design, construction or equipment requirement applying to, or to impose limit values in relation to, a vehicle by virtue of paragraphs (2) and (3) of regulation 74A, if the vehicle is—

(a) a type approval end of series vehicle,

(b) a non-type-approval end of series vehicle, or

(c) a late entry into service vehicle,

in relation to such a provision, and the vehicle is first used before the first anniversary of the date as is specified (as defined in regulation 74A) by the relevant Community Directive in item 1 or 2 in the Table in regulation 74A.".

(3) In paragraph 2—

(a) for sub-paragraph (2) substitute—

"(2) For the purposes of paragraph (1), a vehicle is a type approval end of series vehicle, in relation to item 2 in the Table in regulation 67 or an item numbered 10 or higher (other than item 11) in Table II in regulation 74 or any provision of any Community Directive specified in item 1 or 2 in the Table in regulation 74A if—

(a) by virtue of Schedule 1C to the Northern Ireland Regulations, or

(b) by virtue of regulations 12 and 13 of, and Schedule 2 to, the EC Whole Vehicle Type Approval Regulations,

(which in certain circumstances defer the date on which certain requirements relating to exhaust emissions, noise and silencers cease to apply), the type approval requirements that applied to the vehicle on the date specified in column 3 of the item or, in relation to any provision of any Community Directive specified in item 1 or 2 in the Table in regulation 74A, on the date as is specified (as defined in regulation 74A) by the relevant Community Directive are the same as the type approval requirements that applied to the vehicle immediately before the date so specified in that column of that item or, in relation to any provision of any Community Directive specified in item 1 or 2 in the Table in regulation 74A, the date as is specified by the relevant Community Directive.".

(b) after paragraph 2, insert—

(**5**) Schedule 8 was amended by S.R. 2002 No. 375 regulation 15