STATUTORY RULES OF NORTHERN IRELAND

2007 No. 240

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Type Approval) Regulations (Northern Ireland) 2007

Made - - - -	*16th April 2007*
Coming into operation	*10th July 2007*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 31A(1), 31C(1), 31D(1), (2) and (3), 31E(1) and (4) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**1**):

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 2007 and shall come into operation on 10th July 2007.

General interpretation

2.—(1) In these Regulations—

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**2**);

"appropriate information document"—

(a) in relation to a vehicle subject to type approval requirements and in respect of which an application for a type approval certificate is made, means a document in the form set out in Part I of Schedule 5;

(b) in relation to a vehicle subject to type approval requirements and in respect of which an application for a Department's approval certificate is made, means a document in the form set out in Part II of Schedule 5; and

(c) in relation to a vehicle part subject to type approval requirements means a document in the form set out in Part III of Schedule 5;

(**1**) S.I.1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"; Articles 31A, 31C, 31D and 31E were inserted by S.I. 1985/755 (N.I. 6), Article 3; Articles 31A, 31D and 31E were amended by S.R. 1993 No. 246, regulations 4, 5 and 6 respectively; Article 31A was further amended by S.I. 1995/2994 (N.I. 18), Article 112(1) and Schedule 3, paragraph 5 and S.I. 2003/1099, regulation 4

(**2**) S.R. 1999 No. 454 as amended by S.R. 2001 Nos. 28, 173 and 241; S.R. 2002 Nos. 256, 294 and 375; S.R. 2003 Nos. 39, 145, 517 and 537; S.R. 2004 Nos. 44, 48, 67 and 360; S.R. 2005 Nos. 22, 249 and 402; and S.R. 2006 Nos. 32 and 246

"dual-purpose vehicle" means a vehicle constructed or adapted for the carriage both of passengers and of goods being a vehicle of which the unladen weight does not exceed 2040 kilograms, and which satisfies the following conditions as to construction, namely:—

(a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;

(b) the area of the vehicle to the rear of the driver's seat must—

(i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-rests, attached either to the seats or to a side or the floor of the vehicle, and

(ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 1850 square centimetres on each side and not less than 770 square centimetres at the rear; and

(c) the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in sub-paragraph (b)(i) or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the back-rests of the rearmost such row must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

"ECE Regulation" means a Regulation 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(**3**) as amended(**4**) to which the United Kingdom is a party(**5**);

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the protocol signed at Brussels on 17th March 1993;

"EEA State" means a State which is a contracting party to the EEA Agreement;

"emissions or noise item" means an item in Part I of Schedule 1 in respect of which the subject matter specified in column (2) of that Part is "exhaust emissions" or "noise and silencers";

"Framework Directive vehicle" means a vehicle to which these Regulations apply and is a "vehicle" within the meaning of Council Directive 70/156/EEC(**6**) as amended by Council Directive 87/403/EEC(**7**), Council Directive 92/53/EEC(**8**) and Commission Directive 93/81(**9**);

"hire agreement" means an agreement for the bailment of a vehicle which is not a hire-purchase agreement;

"hire-purchase agreement" has the same meaning as in Part VI of the Hire-Purchase Act (Northern Ireland) 1966(**10**);

"maximum gross weight" means, in relation to a vehicle, the weight which it is designed or adapted not to exceed when in normal use and travelling on a road laden;

"motor ambulance" means a motor vehicle which is specially designed and constructed (and not merely adapted) for carrying, as equipment permanently fixed to the vehicle, equipment

(**3**) Cmnd. 2535
(**4**) Cmnd. 3562
(**5**) By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963
(**6**) O.J. No. L42, 23.2.70, p. 1
(**7**) O.J. No. L220, 8.8.87, p. 44
(**8**) O.J. No. L225, 19.8.92, p. 1
(**9**) O.J. No. L264, 23.10.93, p. 49
(**10**) 1966 c. 42 (N.I.); Part VI was substituted by paragraph 49 of Schedule 4 to 1974 c. 39

used for medical, dental or other health purposes and is used primarily for the carriage of persons suffering from illness, injury or disability;

"motor caravan" means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

"the Order" means the Road Traffic (Northern Ireland) Order 1981;

"the prescribed fee" in relation to any matter provided for in these Regulations, means the fee prescribed for such matter in the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations (Northern Ireland) 1992(**11**);

"the prescribed type approval requirements" in relation to a vehicle or a vehicle part subject to type approval requirements, means the type approval requirements prescribed therefor by regulation 7;

"registered" means registered under the Vehicle Excise and Registration Act 1994(**12**);

"regular armed forces of the Crown" has the meaning assigned to it in section 1 of the Northern Ireland Assembly Disqualification Act 1975(**13**);

"the type approval requirements" means the requirements with respect to the design, construction, equipment or marking of vehicles or vehicle parts which—

(a) relate to the items numbered in column (1) and listed in column (2) of Part I of Schedule 1; and

(b) are contained in Regulations, other documents, or Parts of that Schedule, and consist of the requirements specified against each such item in column (3) of Part I of that Schedule (subject to such modifications and additions as are set out in Part I of that Schedule); and

"vehicle subject to type approval requirements" and "vehicle part subject to type approval requirements" have the meanings given to those expressions in regulation 7(9).

(2) For the purposes of these Regulations—

(a) a motor vehicle is to be regarded as being manufactured on or after a particular date if it is first assembled on or after that date, even if it includes one or more parts which were manufactured before that date; and

(b) the provisions of regulation 2(4) of the Construction and Use Regulations shall apply for determining when a motor vehicle is first used.

Interpretation of instruments referred to in Schedule 1

3. The instruments referred to in column (3) of Part I of Schedule 1 shall, for the purposes of these Regulations, have effect as if—

(a) a reference to a vehicle in category M1 were a reference to a vehicle described as M1 in Council Directive 70/156/EEC of 6th February 1970; and

(b) a reference to a vehicle in category L5 were a reference to a vehicle described as L5 in ECE Regulation 78 of 15th October 1988.

Interpretation of "low volume type approval vehicle"

4.—(1) For the purposes of these Regulations a vehicle ("the vehicle in question") is a low volume type approval vehicle at a particular time if—

(**11**) S.R. 1992 No. 227
(**12**) 1994 c. 22
(**13**) 1975 c. 25

(a) since the 31st December immediately preceding that time less than 500 Department's approval certificates have been issued with respect to vehicles of the relevant class; and

(b) no type approval certificate is in force with respect to a vehicle of the relevant class.

(2) Notwithstanding anything in paragraph (1), a vehicle shall be deemed to be a low volume type approval vehicle for the purposes of these Regulations if a Department's approval certificate in the form set out in Part III of Schedule 4 has been issued with respect to it.

(3) For the purposes of this regulation, a vehicle is a vehicle of the relevant class if it is not the vehicle in question, but is a vehicle—

(a) of the same or similar model; and

(b) manufactured by the same manufacturer,

as the vehicle in question.

(4) For the purposes of this regulation only, two or more vehicles manufactured by different bodies corporate shall be regarded as having been manufactured by the same manufacturer if at the date when the last of those vehicles was manufactured the bodies were interconnected within the meaning given by section 137(5) of the Fair Trading Act 1973(**14**).

Application

5.—(1) Subject to paragraph (2) these Regulations apply to—

(a) every motor vehicle manufactured on or after 1st August 1978 and not first used before 2nd December 1985 which is constructed solely for the carriage of passengers and their effects or is a dual-purpose vehicle and in either case which—

(i) is adapted to carry not more than eight passengers exclusive of the driver and either has four or more wheels or, if having only three wheels, has a maximum gross weight of more than 1000 kilograms, or

(ii) has three wheels, a maximum gross weight not exceeding 1000 kilograms, and either a design speed exceeding 50 kilometres per hour or an engine with a capacity exceeding 50 cubic centimetres, and is not a motor cycle with or without a side-car attached; and

(b) parts of any such motor vehicles.

(2) These Regulations do not apply to, or to parts of—

(a) a motor vehicle brought temporarily into Northern Ireland by a person resident abroad;

(b) a vehicle in the service of a visiting force or of a headquarters (as defined in Article 8(9)(b) of the Visiting Forces and International Headquarters (Application of Law) Order 1999)(**15**);

(c) a motor vehicle which is to be exported from Northern Ireland and which has been zero-rated under regulation 132, 133 or 155 of the Value Added Tax Regulations 1995(**16**);

(d) a motor vehicle which is of a new or improved type, or is fitted with equipment of a new or improved type, and which has been constructed to that type, or fitted with that equipment, for the purposes of tests or trials or for use as a prototype, and—

(i) is not intended for general use on roads, and

(ii) in the case of a vehicle first used on a road on or after 2nd December 1985 remains in the ownership and the use of—

(**14**) 1973 c. 41; subsection (5) was amended by 1976 c. 34 s. 44, Sch. 6 and 1985 c. 9 s. 30, Sch. 2
(**15**) S.I. 1999/1736
(**16**) S.I. 1995/2518, to which there is an amendment not relevant to these Regulations

(A) the manufacturer of the vehicle if the vehicle is of a new or improved type, or

(B) the manufacturer of the equipment if the vehicle is fitted with equipment of a new or improved type or the manufacturer of the vehicle on which that equipment is used;

(e) a motor vehicle which is of a new or improved type provided that the conditions in paragraph (3) are satisfied;

(f) a motor vehicle where it has ceased to be in the service of the regular armed forces of the Crown or the Royal Irish Regiment; or

(g) a motor vehicle for which a first licence was granted under the Vehicles (Excise) Act 1971(**17**) on or after 1st August 1978.

(3) The conditions referred to in paragraph (2)(e) are that—

(a) the manufacturer of the vehicle has made an application—

(i) in respect of a type vehicle in accordance with regulation 8 for a type approval certificate, or

(ii) in respect of another vehicle ("the initial vehicle") in accordance with regulation 9 for a Department's approval certificate;

(b) an appointment has been made for a final examination of the type vehicle or the initial vehicle (as the case may be);

(c) the vehicle conforms with the type vehicle or the initial vehicle (as the case may be) in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the information document accompanying the application pursuant to regulation 8 or 9;

(d) the vehicle complies with the relevant type approval requirements specified in Part I of Schedule 1;

(e) the Department has been notified of the vehicle identification number;

(f) the vehicle—

(i) was at the date of manufacture owned by the manufacturer of the vehicle and has remained in his ownership,

(ii) has not been offered for sale by him,

(iii) has not been let or offered for letting under a hire agreement or a hire-purchase agreement, and

(iv) has not been used on any road for any purpose other than for, or in connection with, publicity, demonstration or evaluation of vehicles of the new or improved type; and

(g) the manufacturer of the vehicle intends that until pursuant to the application mentioned in sub-paragraph (a) there has been issued a type approval certificate or a Department's approval certificate (as the case may be), the vehicle—

(i) shall remain in his ownership,

(ii) shall not be offered for sale by him,

(iii) shall not be let or offered for letting under a hire agreement or a hire-purchase agreement, and

(iv) shall not be used on a road for any purpose other than for, or in connection with, publicity, demonstration or evaluation of vehicles of the new or improved type.

(**17**) 1971 c. 10