STATUTORY RULES OF NORTHERN IRELAND

2007 No. 15

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*10th January 2007*
Coming into operation	*22nd February 2007*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it 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) 2007 and shall come into operation on 22nd February 2007.

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

Amendment to regulation 2 (interpretation)

2. In regulation 2(2) of the principal Regulations, in the definition "Community Directive, followed by a number", after the words "Commission of the European Communities", there shall be added "or the European Parliament and the Council of the European Union".

Amendment to regulation 38 (mirrors)

3. For regulation 38 of the principal Regulations there shall be substituted the regulation set out in the Schedule.

Amendment to Schedule 1 (Community Directives and ECE Regulations)

4.—(1) Schedule 1 to the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(**1**) S.I 1995/2994 (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 and S.R. 2004 No. 67, regulation 10

(2) In Table I—

(a) after item 88B(**3**) there shall be inserted the following item—

"88C	96/96	20.12.96	L46,17.2.97 p.1	Roadworthiness tests for motor vehicles and their trailers"	

(b) after item 96(**4**) there shall be added the following items—

"97	2000/30	6.6.2000	L203, 10.8.2000, p.1	Technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community	
98	2002/85	5.11.2002	L57, 4.12.2002, p.327	Installation and use of speed limitation devices for certain categories of motor vehicles in the Community	92/6
99	2003/26	3.4.2003	L90, 8.4.2003, p.37	Speed limiters and exhaust emissions of commercial vehicles	2000/30
100	2003/27	3.4.2003	L90, 8.4.2003, p.41	Testing of exhaust emissions from motor vehicles	96/96

(**3**) Item 88B was inserted by S.R. 2002 No. 375, regulation 13
(**4**) Item 96 was inserted by S.R. 2004 No. 67, regulation 10

101	2003/97	10.11.2003	L25, 29.1.2004, p.1	Devices for indirect vision	71/127 as amended by 79/795, 85/205, 86/562 and 88/321	
102	2004/11	11.2.2004	L44, 14.2.2004, p.19	Speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles	92/24	9A
103	2005/27	30.3.2005	L81, 30.3.2005, p.44	Devices for indirect vision	71/127 as replaced by 2003/97”	

(3) In Table II, after item 30 there shall be added the following item—

“30A	46.02	46	21.10.84	Mirrors	23.06.05”

Sealed with the Official Seal of the Department of the Environment on 10th January 2007.

Maggie Smith
A senior officer of the
Department of the Environment

SCHEDULE Regulation 3

REGULATION TO BE SUBSTITUTED FOR REGULATION 38

"**Mirrors and other devices for indirect vision**

38.—(1) Subject to paragraphs (5) and (6), a motor vehicle (not being a road roller) which is of a class specified in an item in column 2 of the Table shall be fitted with such mirror or mirrors or other device for indirect vision, if any, as are specified in that item in column 3; and any mirror or other device for indirect vision which is fitted to such a vehicle shall, whether or not it is required to be fitted, comply with the requirements, if any, specified in that item in columns 4 and 5.

(2) Subject to paragraph (5), each exterior mirror with which a vehicle is required to be fitted in accordance with item 2 or 8 of the Table shall, if the vehicle has a technically permissible maximum weight (as mentioned in Annex 1 to Community Directive 71/127) exceeding 3500kg, be a Class II mirror (as described in that Annex) and shall in any other case be a Class II or a Class III mirror (as described in that Annex).

(3) Subject to paragraph (5), in the case of a wheeled motor vehicle described in item 1, 2, 10 or 11 of the Table which is first used on or after 1st April 1969 the edges of any interior mirror shall be surrounded by some material such as will render it unlikely that severe cuts would be caused if the mirror or that material were struck by any occupant of the vehicle.

(4) Subject to paragraph (5), in the case of a motor vehicle falling within paragraph (a) in column 4 of items 1 and 7, or within item 8, of the Table—

(a) each mirror shall be fixed to the vehicle in such a way that it remains steady under normal driving conditions;

(b) each exterior mirror on a vehicle fitted with windows and a windscreen shall be visible to the driver, when in his driving position, through a side window or through the portion of the windscreen which is swept by the windscreen wiper;

(c) where the bottom edge of an exterior mirror is less than 2m above the road surface when the vehicle is laden, that mirror shall not project more than 20cm beyond the overall width of the vehicle or, in a case where the vehicle is drawing a trailer which has an overall width greater than that of the drawing vehicle, more than 20cm beyond the overall width of the trailer;

(d) where the bottom edge of an exterior mirror, which complies with the requirements of Community Directive 2003/97 or 2005/27 or ECE Regulation 46.02, is less than 2m above the road surface when the vehicle is laden, that mirror shall not project more than 25cm beyond the overall width of the vehicle or, in the case where the vehicle is drawing a trailer which has an overall width greater than that of the drawing vehicle, more than 25cm beyond the overall width of the trailer;

(e) each interior mirror shall be capable of being adjusted by the driver when in his driving position; and

(f) except in the case of a mirror which, if knocked out of its alignment, can be returned to its former position without needing to be adjusted, each exterior mirror on the driver's side of the vehicle shall be capable of being adjusted by the driver when in his driving position, but this requirement shall not prevent such a mirror from being locked into position from the outside of the vehicle.

(5) Instead of complying with paragraphs (1) to (4) a vehicle may comply—

(a) if it is a goods vehicle with a maximum gross weight exceeding 3500kg first used on or after 1st April 1985 and before 1st August 1989, with Community Directive 79/795, 85/205, 86/562 or 88/321 or ECE Regulation 46.01;

(b) if it is a goods vehicle first used on or after 1st August 1989 and before 26th January 2007—

(i) in the case of a vehicle with a maximum gross weight exceeding 3500kg but not exceeding 12,000kg, with Community Directive 79/795, 85/205, 86/562 or 88/321 or ECE Regulation 46.01; and

(ii) in the case of a vehicle with a maximum gross weight exceeding 12,000kg, with Community Directive 85/205, 86/562 or 88/321 or ECE Regulation 46.01;

(c) if it is an agricultural motor vehicle, with Community Directive 71/127, 74/346, 79/795, 85/205, 86/562 or 88/321 or ECE Regulation 46.01;

(d) if it is a two wheeled motor cycle with or without a side-car, with Community Directive 71/127, 79/795, 80/780, 85/205, 86/562 or 88/321 or ECE Regulation 46.01; and

(e) if it is any other vehicle, with Community Directive 71/127, 79/795, 85/205, 86/562 or 88/321 or ECE Regulation 46.01.

(6) Instead of complying with the provisions of column 4 in items 3, 4, 7 or 8 of the Table a mirror may comply with the requirements as to construction and testing set out in—

(a) Annex I to Community Directive 71/127, excluding paragraphs 2.3.4 and 2.6;

(b) Annex I to Community Directive 79/795, excluding paragraphs 2.3.3 and 2.6;

(c) Annex II to Community Directive 2003/97, excluding paragraph 3.4; or

(d) Annex II to Community Directive 2005/27, excluding paragraph 3.4.

(7) In this regulation—

(a) "devices for indirect vision" means devices to observe the traffic area adjacent to the vehicle which cannot be observed by direct vision and may include conventional mirrors, camera-monitors or other devices able to prevent information about the indirect field of vision to the driver;

(b) "mirror" means any device with a reflecting surface, excluding devices such as periscopes, intended to give a clear view to the rear, side or front of the vehicle;

(c) "interior mirror" means a device defined in sub-paragraph (a), which can be fitted in the passenger compartment of a vehicle;

(d) "exterior mirror" means a device defined in sub-paragraph (a), which can be fitted on the external surface of a vehicle.

(8) In the case of—

(a) an agricultural motor vehicle, or

(b) a vehicle described in items 2 or 8 in the Table,

when drawing a trailer the references to a vehicle in the definitions in paragraph (7) shall be construed as including references to that trailer.