STATUTORY RULES OF NORTHERN IRELAND

2006 No. 343

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Approval) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*18th August 2006*
Coming into operation	*4th October 2006*

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Approval) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 4th October 2006.

(2) In these Regulations the "principal Regulations" means the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001(**2**).

Amendment of regulation 2 (interpretation)

2. In regulation 2(1) of the principal Regulations—

(a) after the definition of "bi-purpose vehicle" there shall be inserted—

> ""category" has the same meaning as in Annex IIA of the 1970 Directive;"; and

(b) after the definition of "design gross weight" there shall be inserted—

> ""disabled person" means a person who has a disability (as defined in section 1 of the Disability Discrimination Act 1995(**3**));
>
> "disabled person's vehicle" means a vehicle which is adapted or constructed so as to enable a disabled person to travel in it, whether as the driver or as a passenger, in safety and reasonable comfort;".

(**1**) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of "Department"; Articles 31A and 31D were inserted by S.I. 1985/755 (N.I. 6), Article 3 and amended by S.R. 1993 No. 246, regulations 4 and 5 respectively
(**2**) S.R. 2001 No. 172 as amended by S.R. 2004 No. 30
(**3**) 1995 c. 50

Amendment of regulation 4 (approval requirements for relevant vehicles)

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

(2) For paragraph (2) there shall be substituted—

"(2) The items in Schedule 2 numbered 3, 4, 10 and 13 shall not apply to relevant vehicles which are not Schedule 1 vehicles, except that item 10 shall apply to disabled persons' vehicles and vehicles that have been adapted to category M1.".

(3) For paragraph (7) there shall be substituted—

"(7) A relevant vehicle shall be regarded as complying with all the requirements prescribed under Article 31A of the Order if at least one of the following three conditions is satisfied in relation to each applicable subject matter mentioned in Schedule 2 or 3—

(a) the vehicle complies with the requirements set out in paragraph (1);

(b) the requirements applicable to the vehicle are prescribed by regulation 4 of the 1985 Regulations in relation to the subject matter and the vehicle complies with those requirements;

(c) the vehicle has been issued with a Minister's approval certificate issued in accordance with section 58(1) or (4) of the Road Traffic Act 1988(**4**).

(7A) A relevant vehicle which meets the technical requirements for permanent registration in another EEA state shall be treated as complying with all the requirements prescribed under Article 31A of the Order, except to the extent that following an assessment of documentation where such is provided, the Department is unable to establish that the vehicle satisfies standards equivalent to those prescribed in relation to each applicable subject matter mentioned in Schedule 2 or 3.".

Amendment of regulation 5 (application for Department's approval certificate)

4. In regulation 5 of the principal Regulations for paragraph (6)(b)(ii) there shall be substituted—

"(ii) in the case of a Schedule 1 vehicle (other than a left-hand drive vehicle or a personally imported vehicle) and a disabled person's vehicle, at the place where the examination took place for the purposes of the original application.".

Amendment of regulation 8 (form of certificate)

5. For the Table in regulation 8 of the principal Regulations there shall be substituted—

"**TABLE**

(1) *Item*	(2) *Class of vehicle*	(3) *Letter*
1.	Left-hand drive vehicle	N
2.	Personally imported vehicle	P
3.	Amateur built vehicle	A
4.	Vehicle manufactured in very low volume	L

(**4**) 1988 c. 52

(1) *Item*	(2) *Class of vehicle*	(3) *Letter*
5.	Vehicle manufactured using parts from a registered vehicle	C
6.	Rebuilt vehicle	S
7.	Motor caravan, ambulance or hearse	M
8.	Armoured vehicle	T
9.	Vehicle not falling within any of the preceding classes specified in this Table	R
10.	Disabled person's vehicle	D
11.	Vehicle which meets the condition set out in regulation 4(7A)	E".

Amendment of Schedule 1 (Schedule 1 vehicles)

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

(2) In paragraph 1, sub-paragraph (f) shall be deleted.

(3) In paragraph 2—

(a) after sub-paragraph (1) there shall be inserted—

"(1A) A vehicle may also be treated for the purposes of these regulations as a personally imported vehicle if—

(a) a person, who is a serving member of the Armed Forces, intends to import it into the United Kingdom within 12 months of the date of application for a Department's approval certificate;

(b) that person, at the time of that application, has been normally resident in a country other than the United Kingdom for a continuous period of at least 12 months; and

(c) heads (c) to (e) of sub-paragraph (1) apply to that person."; and

(b) after sub-paragraph (5) there shall be added—

"(6) In this paragraph—

"serving member of the Armed Forces" means a person who is employed by Her Majesty's air forces, Her Majesty's military forces, or Her Majesty's naval forces; except that a serving member of any of the reserve forces shall not be included within this definition.".

(4) Paragraph 6 shall be deleted.

Amendment of Schedule 2 (approval requirements for relevant vehicles)

7. For the Table in Schedule 2 to the principal Regulations, there shall be substituted the Table set out in Schedule 1 to these Regulations.

Amendment of Schedule 3 (approval requirements for relevant vehicles except Schedule 1 vehicles)

8. For the Table in Schedule 3 to the principal Regulations, there shall be substituted the Table set out in Schedule 2 to these Regulations.

Amendment of Schedule 4 (form of Department's approval certificate)

9. For the certificate in Schedule 4 to the principal Regulations, there shall be substituted the certificate set out in Schedule 3 to these Regulations.

Amendment of Schedule 5 (Community instruments and ECE Regulations)

10.—(1) Schedule 5 to the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In Part II, in the third and fourth columns of the Table for the references to Community Directives in Schedule 2, there shall be inserted—

(a) in the reference to Seat belts in column (1), after the last entry—

"2000/03/EC*	L53, 25.2.00, p.1";

(b) in the reference to Tyres in column (1), after the entry of the Principal Directive—

"2001/43/EC+	L211, 4.8.01, p.25";

(c) in the reference to Interior fittings in column (1), after the last entry—

"2000/04/EC+	L87, 8.4.00, p.22".

(3) In Part II, in the third and fourth columns of the Table for the references to Community Directives in Schedule 3, there shall be inserted—

(a) in the reference to Exhaust emissions column (1), after the last entry—

"1999/102/EC*	L334, 28.12.99, p.43
2001/01/EC+	L35, 6.2.01, p.34
2001/100/EC+	L16, 18.1.02, p.32";

(b) in the reference to Seat belts in column (1), after the last entry—

"2000/03/EC*	L53, 25.2.00, p.1";

(c) in the reference to Noise and silencers in column (1), after the last entry—

"1999/101/EC*	L334, 28.12.99, p.41";

(d) in the reference to Carbon dioxide emissions and fuel consumption in column (1), after the last entry—

"1999/100/EC*	L334, 28.12.99, p.36";

(e) in the reference to Frontal impact in column (1), after the last entry—

"1999/98/EC*	L9, 13.1.00, p.14".

(4) In Part III, in the third and fourth columns of the Table for the references to ECE Regulation in Schedule 3, in the reference to Exhaust emissions in column (1), after the last entry, there shall be inserted—

"83.05	29 March 2001".

Sealed with the Official Seal of the Department of the Environment on 18th August 2006.

L.S.

Maggie Smith
A senior officer of the
Department of the Environment