STATUTORY RULES OF NORTHERN IRELAND

2005 No. 249

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 2005

Made - - - -	*9th May 2005*
Coming into operation	*20th June 2005*

The Department of the Environment, in exercise of the powers conferred on it by Articles 55 and 110(2) of the Road Traffic (Northern Ireland) Order 1995(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 2005 and shall come into operation on 20th June 2005.

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

Amendment to regulation 3 (application and exemptions)

2. In column 3 of item 2 in the Table in regulation 3(4) of the principal Regulations(**3**), after the words "regulations 6, 7, 9, 10, 49 and 62" there shall be inserted –

"; and

(a) additionally, in respect of any passenger vehicle with a maximum gross weight exceeding 10 tonnes registered in one or more Member States, regulations 42(1), 42(7)(c) and 42(10);

(b) additionally, in respect of any goods vehicle with a maximum gross weight exceeding 12 tonnes registered in one or more Member States, regulations 43(1), 43(6)(c) and 43(8)".

(**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. 2002 No. 375 and S.R. 2004 No. 67
(**3**) Regulation 3 was amended by S.R. 2004 No. 67, regulation 3

Amendment to regulation 42 (speed limiters fitted to buses and coaches)

3. For regulation 42 of the principal Regulations there shall be substituted the regulation set out in Schedule 1.

Amendment to regulation 43 (speed limiters fitted to goods vehicles)

4. For regulation 43 of the principal Regulations(**4**) there shall be substituted the regulation set out in Schedule 2.

Amendment to regulation 83 (plates – vehicles fitted with speed limiters)

5.—(1) Regulation 83 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) for the words "regulation 41 or 42" there shall be substituted "regulation 42 or 43".

(3) In paragraph (3) the words "Subject to regulation 43(8)," shall be omitted.

Amendment to Schedule 3 (authorised sealers)

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

(2) In paragraph 1(1) for "paragraphs (2)(c), and (3) or (4)", there shall be substituted "paragraphs (7)(b) and (7)(c) or (8) in addition to those of paragraph (9) or (10)".

(3) In paragraph 1(2) for "paragraphs (2)(c), and (4) or (5)", there shall be substituted "paragraphs (6)(b) and (c) in addition to those of paragraph (7) or (8)."

(4) After paragraph 2 there shall be inserted –

> "**3.** When sealing a speed limiter fitted to a vehicle to which regulation 42 applies, an authorised sealer shall do so in such a manner that the speed limiter fulfils the requirements of paragraph (7)(a) of that regulation.
>
> **4.** When sealing a speed limiter fitted to a vehicle to which regulation 43 applies, an authorised sealer shall do so in such a manner that the speed limiter fulfils the requirements of paragraph (6)(a) of that regulation.".

Sealed with the Official Seal of the Department of the Environment on 9th May 2005.

Wesley Shannon
A senior officer of the
Department of the Environment

(**4**) Regulation 43 was amended by S.R. 2002 No. 375, regulation 6

SCHEDULE 1

Regulation 3

REGULATION TO BE SUBSTITUTED FOR REGULATION 42

"Speed limiters fitted to buses and coaches

42.—(1) Subject to paragraph (11) this regulation applies to every bus and coach which –

(a) has a maximum gross weight exceeding 10 tonnes;

(b) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h; and

(c) was first used on or after 1st January 1988,

and a reference in this regulation to a paragraph 1 vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(2) Subject to paragraph (11) this regulation also applies to every bus and coach, not being a bus or coach to which paragraph (1) applies, which –

(a) is first used on or after 20th June 2005;

(b) has a maximum gross weight exceeding 5 tonnes but not exceeding 10 tonnes; and

(c) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h,

and a reference in this regulation to a paragraph (2) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(3) Subject to paragraphs (6) and (11) this regulation also applies to every bus which –

(a) is first used on or after 20th June 2005;

(b) has a maximum gross weight not exceeding 5 tonnes; and

(c) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h,

and a reference in this regulation to a paragraph (3) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(4) Subject to paragraphs (5) and (11) this regulation also applies to every bus and coach, not being a bus or coach to which paragraph (1) applies, which –

(a) was first used on or after 1st October 2001 and before 20th June 2005;

(b) complies with the limit values set out in Council Directive 88/77/EEC(**5**) as amended by amendments up to and including those effected by Commission Directive 2001/27/EC(**6**);

(c) has a maximum gross weight not exceeding 10 tonnes; and

(d) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h,

and a reference in this regulation to a paragraph (4) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(5) This regulation shall apply –

(a) on or after 20th June 2006 in the case of a paragraph (4) vehicle used for both national and international transport operations; and

(**5**) O.J. No. L36, 9.2.1988, p. 33
(**6**) O.J. No. L107, 18.4.2001, p. 10

(b) on or after 20th June 2007 for a paragraph (4) vehicle used solely for national transport operations.

(6) This regulation shall apply on or after 20th June 2008 in the case of a paragraph (3) vehicle used solely for national transport operations.

(7) Subject to paragraphs (8) and (12) every vehicle to which this regulation applies shall be fitted with a speed limiter which must –

(a) be sealed by an authorised sealer in such a manner as to protect the limiter against any improper interference or adjustment and against any interruption of its power supply;

(b) be maintained in good and efficient working order; and

(c) be set so that the speed of the vehicle cannot exceed 100 km/h.

(8) A speed limiter fitted to a paragraph (1) vehicle which is first used before 20th June 2005 may be set at a maximum speed of 100km/h.

(9) Subject to paragraph (13) a speed limiter fitted before 1st October 1994 to a vehicle to which this regulation applies must comply with –

(a) Part 1 of the British Standard; or

(b) the Annexes to Community Directive 92/24, as amended by Directive 2004/11/EC of the European Parliament and of the Council(**7**).

(10) A speed limiter fitted on or after 1st October 1994 to a vehicle to which this regulation applies must comply with the Annexes to Community Directive 92/24 as amended by Directive 2004/11/EC of the European Parliament and of the Council.

(11) This regulation does not apply to a vehicle –

(a) being taken to a place where a speed limiter is to be installed, calibrated, repaired or replaced;

(b) completing a journey in the course of which the speed limiter has accidentally ceased to function;

(c) which is owned by the Secretary of State for Defence and used for naval, military or air force purposes;

(d) which is used for naval, military or air force purposes while being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown;

(e) while it is being used for fire brigade, ambulance or police purposes; or

(f) if and so long as it is exempt from vehicle excise duty by section 5 of and Schedule 2 to the 1994 Act.

(12) Paragraph (7) shall have effect in relation to –

(a) a speed limiter fitted before 1st January 1995 to a vehicle first used before that date; or

(b) a speed limiter sealed outside the United Kingdom,

as if the words "by an authorised sealer" were omitted.

(13) Paragraph (9) does not apply to a speed limiter fitted to a vehicle if the speed limiter complies with an equivalent standard.

(14) In this regulation –

(**7**) O.J. No. L44, 14.2.2004, p. 19