STATUTORY RULES OF NORTHERN IRELAND

2004 No. 484

ROAD TRAFFIC AND VEHICLES

Motor Cycles Etc. (Single Vehicle Approval) Regulations (Northern Ireland) 2004

Made - - - - 24th November 2004

Coming into operation 8th January 2005

The Department of the Environment, in exercise of the powers conferred on it 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**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Motor Cycles Etc. (Single Vehicle Approval) Regulations (Northern Ireland) 2004 and shall come into operation on 8th January 2005.

Interpretation

2.—(1) In these Regulations –

"Directive 92/61/EEC" means Council Directive 92/61/EEC relating to the type-approval of two or three-wheel motor vehicles(**2**) as amended by Directive 2000/7/EC of the European Parliament and of the Council(**3**);

"Directive 93/34/EEC" means Council Directive 93/34/EEC on statutory markings for two or three-wheel motor vehicles(**4**) as amended by Commission Directive 1999/25/EC(**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 and amended by S.R. 1993 No. 246, regulations 4, 5 and 6 respectively; Article 31A was further amended by S.I. 1999/2920, Schedule 2 and S.I. 2003/1099, regulation 4
(**2**) O.J. No. L225, 10.8.92, p. 72
(**3**) O.J. No. L106, 3.5.2000, p. 1
(**4**) O.J. No. L188, 29.7.93, p. 38
(**5**) O.J. No. L104, 21.4.99, p. 19

"Directive 2002/24/EC" means Directive 2002/24/EC of the European Parliament and of the Council relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EC(**6**);

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

"the 1994 Act" means the Vehicle Excise and Registration Act 1994(**7**);

"appeal" means an appeal under Article 31C of the 1981 Order in respect of the determination of an application;

"application" means an application (whether an original application or a further application) under regulation 5 for the issue of a Department's approval certificate under Article 31A(4) of the 1981 Order;

"approval requirements" means the requirements as to the design, construction, equipment and marking of vehicles prescribed for the purpose of Article 31A of the 1981 Order by regulation 4(1);

"axle weight" has the meaning specified for that expression in regulation 2(1) of the Construction and Use Regulations;

"conformity certificate" means –

(a) a type approval certificate issued pursuant to Directive 92/61/EEC or Directive 2002/24/EC;

(b) a communication issued pursuant to an ECE Regulation, or under the law of any State in which that Regulation has effect, indicating that a vehicle or part of a vehicle conforms to that Regulation;

(c) an EC certificate of conformity;

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**8**);

"cm^3" means cubic centimetres;

"diesel moped" means a three-wheel vehicle fitted with an internal combustion engine other than of the spark (positive) ignition type the maximum net power output of which does not exceed 4 kW being a moped within the meaning of the second indent of Article 1.2(a)(ii) of Directive 2002/24/EC;

"driver" includes the rider and controller of a vehicle and "drive" shall be construed accordingly;

"electric moped" means a vehicle fitted with an electric motor being a moped within the meaning of the second indent of Article 1.2(a)(i) or the third indent of Article 1.2(a)(ii) of Directive 2002/24/EC;

"examination" means an examination for the purposes of an application or a re-examination for the purposes of an appeal and "examiner" means the person carrying out an examination;

"further application" means an application made in accordance with regulation 5(6);

"gross weight" has the meaning specified for that expression in regulation 2(1) of the Construction and Use Regulations;

"km/h" means kilometres per hour;

"kW" means kilowatts;

(**6**) O.J. No. L124, 9.5.2002, p. 1
(**7**) 1994 c. 22
(**8**) S.R. 1999 No. 454 relevant amending Regulations are S.R. 2001 No. 28, S.R. 2002 No. 256, S.R. 2002 No. 294 and S.R. 2002 No. 375

"the Lighting Regulations" means the Road Vehicles Lighting Regulations (Northern Ireland) 2000(**9**);

"mm" means millimetres;

"original application" means an application made in accordance with regulation 5(1) to (3), not being a further application;

"part", in relation to a vehicle, includes a system, a separate technical unit and a component;

"relevant vehicle" means a vehicle to which these Regulations apply by virtue of regulation 3;

"Schedule 1 vehicle" means a vehicle falling within Schedule 1;

"system" means a system as defined in Article 2.4 of Directive 2002/24/EC; and

"350kg quadricycle" means a vehicle within the meaning of Article 1.3(a) of Directive 2002/24/EC the unladen mass of which is –

(a) in the case of an electric vehicle, 350 kilogrammes excluding the mass of its batteries; and

(b) in the case of any other vehicle, 350 kilogrammes.

(2) Other expressions used in these Regulations which are also used in Directive 92/61/EEC shall have the same meaning as in that Directive and cognate expressions shall be construed accordingly.

(3) A reference in Schedule 2 to a Community Directive as amended by another Directive is a reference to that Directive as amended by that other Directive and by Community instruments dated prior to the date of that other Directive.

(4) Paragraphs (7) and (8) of regulation 2 of the Construction and Use Regulations (determination of the numbers of wheels and axles of a vehicle) shall apply for the purposes of these Regulations other than item 6 of Schedule 2 as they apply for the purposes of the Construction and Use Regulations other than regulations 31 and 32.

(5) For the purposes of these Regulations, a vehicle is to be regarded as being manufactured on or after a particular date if it was first assembled on or after that date, even if it included one or more parts which were manufactured before that date.

(6) In these Regulations "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 20th March 1958(**10**) as amended(**11**) to which the United Kingdom is a party(**12**) and –

(a) a reference to an ECE Regulation followed by a two or three digit number which is not itself followed by a two digit number (for example "ECE Regulation 30") shall be read as a reference to the ECE Regulation of that number which follows that reference;

(b) a reference to an ECE Regulation followed by a two or three digit number which is itself followed by a full-stop and a two digit number (for example "ECE Regulation 30.01") shall be read as a reference to the ECE Regulation of the first number as amended by the amending series represented by the second number.

(7) A reference in any provision of these Regulations to a prescribed fee is a reference to the fee (if any) for the time being prescribed for the purposes of that provision in the Motor Cycles Etc. (Single Vehicle Approval) (Fees) Regulations (Northern Ireland) 2004(**13**).

(**9**) S.R. 2000 No. 169 to which there are amendments not relevant to these Regulations
(**10**) Cmnd. 2535
(**11**) Cmnd. 3562
(**12**) By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963
(**13**) S.R. 2004 No. 486

PART II

APPROVAL REQUIREMENTS FOR RELEVANT VEHICLES

Application

3.—(1) Subject to paragraph (2) these Regulations apply to diesel mopeds, electric mopeds, mopeds, motor cycles, motor tricycles, quadricycles and 350kg quadricycles.

(2) These Regulations do not apply to –

(a) any diesel moped, electric moped or 350kg quadricycle which is manufactured before 9th November 2003; or

(b) vehicles of a description referred to in the second paragraph of Article 1(1) of Directive 2002/24/EC as being those to which the Directive does not apply.

Approval requirements

4.—(1) Subject to the following provisions of this regulation, the approval requirements applicable to a relevant vehicle are the requirements set out or referred to in column 3 of the Table in Schedule 2.

(2) The requirements set out or referred to in column 3 of the Table in Schedule 2 have effect subject to the exceptions and modifications set out in column 5 of that Table.

(3) An entry in column 4 of an item in the Table in Schedule 2 shall have effect for the purpose of interpreting or otherwise supplementing the entries in that item and, for convenience, expressions that are defined in that column are printed in bold type.

(4) Where in relation to an item in the Table in Schedule 2 two or more instruments or other documents are specified in column 3 as alternatives (being instruments or documents containing substantially similar requirements) the requirements prescribed by paragraph (1) shall be the requirements contained in either or any of those instruments or documents.

(5) Where an item in the Table in Schedule 2 contains a reference to a Directive ("the base Directive") and none to any Directive amending that Directive and a relevant vehicle does not comply with that item, the vehicle shall nevertheless be regarded as complying with that item if –

(a) the base Directive has, before the date these Regulations come into force, been amended by another Directive ("an amending Directive"); and

(b) the vehicle would comply with that item were there substituted for that reference a reference to the base Directive as amended by an amending Directive.

(6) Where an item in the Table in Schedule 2 contains a reference to a Directive ("the base Directive") and to a Directive amending that Directive ("an amending Directive") and a relevant vehicle does not comply with that item, the vehicle shall nevertheless be regarded as complying with that item if –

(a) the base Directive has, before the date these Regulations come into force, been amended by a Directive subsequent to the amending Directive ("a subsequent amending Directive"); and

(b) the vehicle would comply with that item were there substituted for that reference a reference to the base Directive as amended by any subsequent amending Directive.

(7) Where an item in the Table in Schedule 2 contains a reference to an ECE Regulation ("the base Regulation") followed by a single two or three digit number and a relevant vehicle does not comply with that item, the vehicle shall nevertheless be regarded as complying with that item if –

(a) the base Regulation has, before the date these Regulations come into force, been amended by an amending series represented by a two digit number ("an amending series"); and

(b) the vehicle would comply with that item were there substituted for that reference a reference to the base Regulation as amended by an amending series.

(8) Where an item in the Table in Schedule 2 contains a reference to an ECE Regulation of a two or three digit number ("the base Regulation") as amended by an amending series represented by a second number of two digits ("the first mentioned amending series") and a relevant vehicle does not comply with that item, the vehicle shall nevertheless be regarded as complying with that item if –

(a) the base Regulation has, before the date these Regulations come into force, been amended by an amending series subsequent to the first mentioned amending series ("a subsequent amending series"); and

(b) the vehicle would comply with that item were there substituted for that reference a reference to the base Regulation as amended by any subsequent amending series.

(9) A relevant vehicle which meets the technical requirements for permanent registration in another EEA State shall be treated as if it complies with the approval requirements except to the extent that, following an assessment of documentation provided by the applicant in connection with the application where such is provided, the Department is unable to establish that the vehicle satisfies standards equivalent to the approval requirements.

(10) Where a conformity certificate has been issued in relation to a part, but not the whole, of a relevant vehicle, that part shall be treated as complying with the approval requirements which would otherwise be applicable to it as part of the vehicle.

PART III

MISCELLANEOUS

Application for Department's approval certificate

5.—(1) An application for the issue of a Department's approval certificate on the basis that the vehicle complies with the approval requirements by virtue of these Regulations shall be made to the Department.

(2) The application shall be in a form which –

(a) has been approved by the Department; and

(b) has been duly completed so as to furnish all the information required by that form.

(3) The application shall be accompanied by –

(a) the documents mentioned in the form as being required in connection with the application; and

(b) the prescribed fee.

(4) As soon as reasonably practicable after it receives the application, the Department shall send to the applicant a notice stating the time when and the place where an examination for the purposes of the application is to be carried out.

(5) The Department may by notice to the applicant alter the time when or the place where the examination is to be carried out but it shall not alter the time to an earlier time without the consent of the applicant.

(6) Where an original application is refused, other than on the grounds that the vehicle is not a relevant vehicle, a further application by the same applicant in respect of the vehicle shall be regarded as having been made in accordance with and pursuant to paragraphs (1) to (3) if –