STATUTORY RULES OF NORTHERN IRELAND

2004 No. 67

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 2004

Made - - - - 26th February 2004

Coming into operation 21st May 2004

The Department of the Environment, 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**) 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. 3) Regulations (Northern Ireland) 2004 and shall come into operation on 21st May 2004.

(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(1) of the principal Regulations –

(a) after the definition of "agricultural trailed appliance conveyor" there shall be inserted –

> ""anti-lock braking system ("ABS")" means a part of a service braking system which automatically controls the degree of slip, in the direction of rotation of the wheel or wheels, on one or more wheels of the vehicle during braking;"; and

(b) after the definition of "industrial tractor" there shall be inserted –

> ""ISO" means International Organisation for Standardisation;
>
> "ISO 7638 connector" means an electrical connector that complies with standard ISO 7638: 1997-1 or ISO 7638: 1997-2 and is used to provide a dedicated power supply and a communication link between the tow vehicle and trailer;".

(**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, S.R. 2002 No. 256, S.R. 2002 No. 375, S.R. 2003 No. 145 and S.R. 2003 No. 517

Amendment to regulation 3 (application and exemptions)

3. In regulation 3 of the principal Regulations the following items shall be added to the Table after item 7 –

"**8.** A public works vehicle which has a maximum design weight not exceeding 7,500 kg and is specifically designed for use and used solely for the purpose of street cleansing.	Regulation 20(5A) and (l2A) in respect of the requirements in Community Directive 98/12/EC and ECE Regulation 13.09 which require the fitting of ABS to goods vehicles over 3,500 kg in weight.
9. A vehicle being used by the Police Service of Northern Ireland which has been authorised by the Chief Constable to perform accident reconstruction duties.	Regulation 20(5A) and (12A) in respect of the requirements in Community Directive 98/12/EC and ECE Regulation 13.09 which prohibit the use of an isolation switch for the operation of ABS.".

Amendment to regulation 20 (braking systems of certain vehicles first used on or after 1st April 1983)

4.—(1) Regulation 20(**3**) of the principal Regulations shall be amended in accordance with paragraphs (2) to (12).

(2) After paragraph (5) there shall be inserted the following –

"(5A) Save as provided in paragraphs (6), (7), (8), (12) and (12A) the braking system of every wheeled vehicle of a class specified in an item in column 2 of the Table which, in the case of a motor vehicle, is first used on or after 21st May 2004 or which, in the case of a trailer, is manufactured on or after 21st May 2004 shall comply with the construction, fitting and performance requirements of Annexes I, II, and VII to Community Directive 98/12/EC and if relevant, Annexes III, IV, V, VI, VIII, X, XI, XII, XIII and XIV to that Directive in relation to the category of vehicles specified in that item in column 3.

Provided that it shall be lawful for any vehicle of such a class which, in the case of a motor vehicle, was first used before 21st May 2004 or which, in the case of a trailer, was manufactured before 21st May 2004 to comply with the said requirements instead of complying with paragraphs (1), (2), (4) or (5) or with regulations 21 and 22.".

(3) In paragraph (6), for "(4) and (5)" there shall be substituted "(4), (5) and (5A)".

(4) In paragraph (7) –

(a) in the first line for "(4) and (5)" there shall be substituted "(4), (5) and (5A)";

(b) in sub-paragraph (a) –

(i) for "88/194 or 91/422" there shall be substituted "88/194, 91/422 or 98/12", and

(ii) in head (ii), for "85/647 or 88/194" there shall be substituted "85/647, 88/194, 91/422 or 98/12";

(c) in sub-paragraph (b) –

(i) in head (i), for "88/194 or 91/422" there shall be substituted "88/194, 91/422 or 98/12", and

(ii) in head (iii), for "88/194, or 91/422" there shall be substituted "88/194, 91/422 or 98/12"; and

(**3**) Regulation 20 was amended by S.R. 2002 No. 375, regulation 5

(d) in sub-paragraph (d), for "13.05 or 13.06" there shall be substituted "13.05, 13.06, 13.07, 13.08 or 13.09".

(5) In paragraph (8), for "paragraph (2)" there shall be substituted "paragraphs (2), (4), (5) and (5A)".

(6) In paragraph (9) –

(a) for "paragraph (5)" there shall be substituted "paragraph (5) or (5A)"; and

(b) in sub-paragraph (a), after "Directive 91/422" there shall be inserted "or Community Directive 98/12".

(7) In paragraph (10), for "13.04 or 13.05" there shall be substituted "13.04, 13.05, 13.06, 13.07, 13.08 or 13.09".

(8) In paragraph (11), for "13.05 or 13.06" there shall be substituted "13.05, 13.06, 13.07, 13.08 or 13.09".

(9) In paragraph (12)(b) for "13.06" there shall be substituted "13.06, 13.07, 13.08 or 13.09".

(10) After paragraph (12) there shall be inserted –

"(12A) Instead of complying with paragraph (5A), a vehicle to which this regulation applies may comply with ECE Regulation 13.09.".

(11) In paragraph (13), for "88/194 or 91/422" there shall be substituted "88/194, 91/422 or 98/12".

(12) After paragraph (13) there shall be inserted –

"(14) For the purposes of the preceding provisions of this regulation the date on which a trailer was manufactured shall be taken to be the date on which its manufacture was completed.".

Amendment to regulation 21 (braking systems of vehicles to which regulation 20 does not apply)

5.—(1) Regulation 21(**4**) of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

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

"(2) This regulation does not apply to a vehicle which complies with regulation 20 by virtue of the proviso to regulation 20(1), (2), (4), (5) or (5A) or which complies with Community Directive 79/489, 85/647, 88/194, 91/422 or 98/12 or ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09.".

(3) In the Table after paragraph (6) the following entry shall be inserted –

"5.	Vehicles with 3 wheels (excluding two-wheeled vehicles with a sidecar attached) and with – (a) an engine capacity exceeding 50 cc, or (b) a maximum design speed exceeding 50 km/h.	L5".

(**4**) Regulation 21 was amended by S.R. 2001 No. 28, regulation 2

Amendment to regulation 22 (vacuum or pressure brake warning devices)

6. In regulation 22(**5**) of the principal Regulations, for paragraph (2)(a) there shall be substituted –

"(a) a vehicle to which paragraph (1), (2), (4), (5) or (5A) of regulation 20 applies, or which complies with the requirements of that regulation, of Community Directive 79/489, 85/647, 88/194, 91/422 or 98/12 or of ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09;".

Amendment to regulation 23 (couplings on trailer pneumatic braking systems)

7.—(1) Regulation 23 of the principal Regulations shall be amended in accordance with paragraphs (2) to (8).

(2) In paragraph (1) –

(a) for the definition of "BS coupling" there shall be substituted –

""BS coupling" means a coupling which –

(a) is of the type shown in figure 1, 4 or 5 of the British Standard specification BS AU 138a: 1980 or figure 1, 2 or 3 of the British Standard specification BS AU 138b: 2000; and

(b) complies with the dimensions shown in figure 1, 4 or 5 of the British Standard specification BS AU 138a: 1980 or figure 1, 2 or 3 of the British Standard specification BS AU 138b: 2000;".

(b) in the definition of "the British Standard specification" after "BS AU 138a: 1980" there shall be inserted "or BS AU 138b: 2000".

(3) For paragraph (3)(a) there shall be substituted –

"(a) is of the type shown in figure 2 of the British Standard specification BS AU 138a: 1980 or figure 4 of the British Standard specification BS AU 138b: 2000;".

(4) For paragraph (4)(a) there shall be substituted –

"(a) is of the type shown in figure 3 of the British Standard specification BS AU 138a: 1980 or figure 5 of the British Standard specification BS AU 138b: 2000;".

(5) For paragraph (5)(a) there shall be substituted –

"(a) is of the type shown in figure 6 of the British Standard specification BS AU 138a: 1980 or figure 6 of the British Standard specification BS AU 138b: 2000;".

(6) For paragraph (7) there shall be substituted –

"(7) Paragraph (3) does not prevent a service line being equipped with a relevant coupling which fulfils the requirements of –

(a) a standard or code of practice of a national standards body or equivalent body of any EEA State;

(b) any international standard recognised for use as a standard by any EEA State; or

(c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides, in relation to couplings, a level of safety and compatibility with BS couplings of the type shown in figure 1 of the British Standard specification BS AU 138a: 1980 or figure 1 of the British Standard specification BS AU 138b: 2000 equivalent to that provided by those specifications as modified in accordance with paragraph (6).".

(**5**) Regulation 22 was amended by S.R. 2001 No. 28, regulation 3