STATUTORY RULES OF NORTHERN IRELAND

2002 No. 375

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 2002

Made - - - -	*4th December 2002*
Coming into operation	*28th February 2003*

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. 4) Regulations (Northern Ireland) 2002 and shall come into operation on 28th February 2003.

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

Amendments to regulation 2 (interpretation)

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

(2) In paragraph (1)–

(a) for the definition of "off-road vehicle" there shall be substituted–

> ""off-road vehicle" means an off-road vehicle as defined in Annex II to Council Directive 92/53/EEC of 18th June 1992(**3**)

(b) in the definition of "overall length", in sub-paragraph (ii), for "and 19" there shall be substituted "and 18";

(c) in the definition of "plated weight", for the words "regulation 69(2)" there shall be substituted "regulation 79(2)"; and

(d) in the definition of "registered", for paragraphs (e) and (f) there shall be substituted–

(**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 and S.R. 2001 No. 173
(**3**) O.J. No. L225, 10.8.92, p. 1

"(e) the 1971 Act;

(f) the 1972 Act; or

(g) the 1994 Act; and".

(3) In paragraph (4)–

(a) in sub-paragraph (a), for the words "or the 1972 Act," there shall be substituted ", the 1972 Act or the 1994 Act ,"; and

(b) in sub-paragraph (b)(i), for the words "section 16 of the 1972 Act" there shall be substituted "section 11 of the 1994 Act".

(4) In paragraph (10), for the words "regulations 59, 86, 87, 89" there shall be substituted "regulations 60, 88, 89, 91".

Amendment to regulation 6 (length)

3. In paragraph (2)(a) of regulation 6 of the principal Regulations, for the words "paragraph 7 of Schedule 3 to the 1972 Act" there shall be substituted "section 62 of the 1994 Act".

Turning circle — articulated vehicles other than those incorporating a car transporter

4. For regulation 16 (turning circle — articulated vehicles other than those incorporating a car transporter) of the principal Regulations there shall be substituted–

"**Turning circle — articulated vehicles other than those incorporating a car transporter**

16.—(1) Every vehicle to which this regulation applies shall be able to move on either lock so that, both with and without all its wheels in contact with the surface of the road and disregarding the things set out in paragraphs (a) to (m) in the definition of "overall width" and in paragraph (i)(a) to (o) in the definition of "overall length" in regulation 2(1), no part of it projects outside the area contained between concentric circles with radii of 12.5m and 5.3m.

(2) This regulation applies to all articulated vehicles except the following–

(a) an articulated vehicle, the semi-trailer of which–

(i) was manufactured before 1st April 1990 and has an overall length that does not exceed the overall length it had on that date,

(ii) is a car transporter,

(iii) is a low loader,

(iv) is a stepframe low loader, or

(v) is constructed and normally used for the conveyance of indivisible loads of exceptional length;

(b) an articulated vehicle having an overall length not exceeding 15.5m and of which the drawing vehicle was first used before 20th April 1999 or the trailer was first used before that date; or

(c) an articulated vehicle when an axle of the trailer is raised to aid traction.

(3) In relation to a vehicle manufactured before 20th April 1999, paragraph (1) shall have effect as if the words "both with and without all its wheels in contact with the surface of the road and" were omitted.

(4) An articulated vehicle shall be taken to comply with paragraph (1) if the semi-trailer comprised in it is, by virtue of paragraph 7.6.1.2 of Annex I to Community Directive 97/27/EC(**4**), deemed to comply with paragraph 7.6.1 of that Annex.".

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

5. In paragraph (7)(d) of regulation 20 of the principal Regulations, for "the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations (Northern Ireland) 1990" there shall be substituted "the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations (Northern Ireland) 1992".

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

6. In paragraph (6)(f) of regulation 43 of the principal Regulations, for the words "section 5 and Schedule 2 of the Vehicles (Excise) Act 1994" there shall be substituted "section 5 of and Schedule 2 to the 1994 Act".

Amendment to regulation 44 (audible warning instruments)

7.—(1) Regulation 44 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (5)(e), after the word "Personal" there shall be inserted the word "Social".

(3) In paragraph (10), for the words "regulation 116" there shall be substituted "regulation 114".

Amendment to regulation 60 (sideguards)

8. In paragraph (1)(c) of regulation 60 of the principal Regulations, for "216,000 kg" there shall be substituted "26,000 kg".

Amendments to regulation 74 (emission of smoke, vapour, gases, oily substances etc.)

9.—(1) Regulation 74(**5**) of the principal Regulations shall be amended in accordance with paragraphs (2) to (5).

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

"(2A) Paragraphs (3), (4), (6), (8), (9)(b), (9)(c), (10), (11), (12), (13), (14) and (24) shall not apply to motor vehicles first used on or after 28th February 2003.".

(3) In paragraph (7)(a), after the words "agricultural vehicle" there shall be inserted "first used before 28th February 2003.".

(4) In paragraph (26), after the words "In Table II" there shall be inserted "and paragraphs (20) and (22)".

(5) In Table II–

(a) in item 7, in column (3), for "1st April 1999" there shall be substituted "1st April 1991";

(b) in item 11, after the entry in column 4(a) there shall be inserted "or ECE Regulation 83.02";

(c) in item 12, after the entry in column (4)(a) there shall be inserted "or ECE Regulation 83.03"; and

(**4**) O.J. No. L233, 25.8.97, p. 1. "Community Directive" is defined by regulation 2(2) of, and Schedule 1 to, the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999

(**5**) Regulation 74 was amended by S.R. 2001 No. 173, regulation 3

(d) in items 13 and 14, after the entry in column (4)(a) there shall be inserted "or ECE Regulation 83.04".

Emission of smoke, vapour, gases, oily substances etc. — further requirements for certain motor vehicles first used on or after 28th February 2003

10. After regulation 74 (emission of smoke, vapour, gases, oily substances etc.) of the principal Regulations there shall be inserted the following–

"**Emission of smoke, vapour, gases, oily substances etc — further requirements for certain motor vehicles first used on or after 28th February 2003**

74A.—(1) This regulation shall apply to motor vehicles first used on or after 28th February 2003.

(2) Subject to paragraphs (5) to (7) and Schedule 8, a motor vehicle in any category shall comply with such design, construction and equipment requirements and such limit values as may be specified for a motor vehicle of that category and weight by any Community Directive specified in item 1 or 2 of the Table and from such date as is specified by that Community Directive.

(3) Subject to paragraphs (4) to (7) and Schedule 8, no person shall use, or cause or permit to be used, on a road a motor vehicle if the motor vehicle does not comply with such limit values as may apply to it by virtue of any Community Directive specified in item 1 or 2 of the Table, and from such date as is specified by that Community Directive, unless the following conditions are satisfied with respect to it–

(a) the failure to meet the limit values does not result from an alteration to the propulsion unit or exhaust system of the motor vehicle;

(b) neither would those limit values be met nor the emissions of gaseous and particulate pollutants and smoke and evaporative emissions be materially reduced if maintenance work of a kind which would fall within the scope of a normal periodic service of the vehicle were to be carried out on the motor vehicle; and

(c) the failure to meet those limit values does not result from any device designed to control the emission of gaseous and particulate pollutants and smoke and evaporative emissions which is fitted to the motor vehicle being other than in good and efficient working order.

(4) Where–

(a) a motor vehicle is fitted with a device of the kind referred to in sub-paragraph (c) of paragraph (3);

(b) the motor vehicle does not comply with the limit values applying to it which are referred to in that paragraph; and

(c) the conditions specified in sub-paragraphs (a) and (b) of paragraph (3) are satisfied in respect of the motor vehicle,

nothing in paragraph (3) shall prevent the motor vehicle being driven to a place where the device is to be repaired or replaced.

(5) Subject to paragraph (6), if the Department has exempted any motor vehicle produced in a small series from one or more of the provisions of a Community Directive specified in item 1 of the Table in accordance with the procedure in Article 8(2)(a) of the Framework Directive then paragraphs (2) and (3) shall not apply to that motor vehicle insofar as it has been so exempted.

(6) If any motor vehicle has been exempted from one or more of the provisions of a Community Directive specified in item 1 of the Table in accordance with paragraph (5), then in the Table as it applies to that motor vehicle there shall be deemed to be substituted, for the reference to Community Directive 96/69/EC or ECE Regulation 83.04, Community Directive 98/69/EC and 1999/102/EC–

(a) in the case of passenger cars as defined in regulation 74(25), a reference to Community Directive 94/12/EC or ECE Regulation 83.03; and

(b) in the case of other motor vehicles of category M, a reference to Community Directive 93/59/EEC or ECE Regulation 83.02,

and in any such case paragraphs (2) and (3) shall apply to the motor vehicle as if they referred to the substituted Community Directives or ECE Regulations.

(7) If any motor vehicle has been exempted from one or more of the provisions of a Community Directive specified in item 1 or 2 of the Table in accordance with Schedule 8, then in the Table as it applies to that motor vehicle there shall be deemed to be substituted–

(a) for the reference to Community Directive 98/69/EC and 1999/102/EC, a reference to Community Directive 96/69/EC or ECE Regulation 83.04; and

(b) for the reference to Community Directive 1999/96/EC, a reference to Community Directive 91/542/EC or ECE Regulation 49.02,

and in any such case paragraphs (2) and (3) shall apply to the motor vehicle as if they referred to the substituted Community Directives or ECE Regulations.

(8) In this regulation–

(a) "category" means a category for the purpose of Annex II to the Framework Directive;

(b) "date as is specified" means the date specified by the relevant Community Directive as that from which Member States are required to prohibit the registration or the entry into service of motor vehicles which do not comply with the limit values specified by the relevant Community Directive or, in the case of emission control and monitoring systems and devices, the date specified by the relevant Community Directive for the fitting of such equipment;

(c) "limit values" means the permitted amounts of gaseous and particulate pollutants and smoke and evaporative emissions; and

(d) "small series" means the motor vehicles within a family of types as defined in Annex XII to the Framework Directive which are registered or enter into service in a period of twelve months beginning on the 1st January in any year where the total number of motor vehicles does not exceed the small series limits specified in that Annex.

TABLE

(regulation 74A)

(1) *Item*	(2) *Community Directive or ECE Regulation*	(3) *Amending Community Directive or ECE Regulation*
1.	70/220/EEC	96/69/EC or ECE Regulation 83.04 98/69/EC 1999/102/EC