STATUTORY RULES OF NORTHERN IRELAND

2002 No. 256

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 2002

Made - - - -	*25th July 2002*
Coming into operation	*1st September 2002*

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. 2) Regulations (Northern Ireland) 2002 and shall come into operation on 1st September 2002.

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

Amendment to regulation 54 (seat belt anchorage points)

2. For regulation 54 of the principal Regulations there shall be substituted the regulation set out in the Schedule.

Amendments to regulation 55 (seat belts)

3.—(1) Regulation 55 of the principal Regulations shall be amended in accordance with paragraphs (2) to (8).

(2) In paragraph (2) –

(a) in sub-paragraph (*c*) for the words "regulation 54(4)(*a*)(ii) or (iii)" there shall be substituted "item 9 or 10 of the Table in regulation 54(3)";

(b) in sub-paragraph (*d*) for the words "regulation 54(4)(*a*)(i)(B)" there shall be substituted "item 3 of the Table in regulation 54(3)".

(**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. 2001 No. 241 and S.R. 2002 No. 197

(c) in sub-paragraph (*e*) for the words "regulation 54(5)(*b*)" there shall be substituted "item 6 of the Table in regulation 54(3)"; and

(d) after sub-paragraph (*e*) there shall be inserted –

"(f) item 5 of the Table in regulation 54(3) applies shall be fitted –

(i) as respects the driver's seat with a three-point belt or a lap belt; and

(ii) as respects every other forward-facing front seat with a three-point belt, a lap belt installed in accordance with paragraph 3.1.2.1 of Annex I to Community Directive 77/541 or a disabled person's belt;

(g) item 7 of the Table in regulation 54(3) applies shall be fitted, as respects every forward-facing seat, with—

(i) an inertia reel belt;

(ii) a retractable lap belt installed in compliance with paragraph 3.1.10 of Annex I to Community Directive 96/36 or 2000/3;

(iii) a disabled person's belt; or

(iv) a child restraint;

(h) item 7 of the Table in regulation 54(3) applies shall be fitted, as respects every rearward-facing seat, with—

(i) an inertia reel belt;

(ii) a retractable lap belt;

(iii) a disabled person's belt; or

(iv) a child restraint;

(i) item 8 of the Table in regulation 54(3) applies shall be fitted, as respects every forward-facing seat, with—

(i) an inertia reel belt;

(ii) a disabled person's belt; or

(iii) a child restraint;

(j) item 9 of the Table in regulation 54(3) applies shall be fitted, as respects every rearward-facing seat, with—

(i) an inertia reel belt;

(ii) a retractable lap belt;

(iii) a disabled person's belt; or

(iv) a child restraint.".

(3) In paragraph (4) –

(a) for the words "paragraph (2)(*b*), (*c*), (*d*) or (*e*)" there shall be substituted "any of the paragraphs (2)(*b*) to (*j*)"; and

(b) for the words "or 82/319 or 90/628 or 96/36" there shall be substituted ", 82/319, 90/628, 96/36 or 2000/3".

(4) In paragraph (5)(*e*) for the words "regulation 54(5)(*a*)" there shall be substituted "item 4 of the Table in regulation 54(3)".

(5) After paragraph (5) there shall be inserted –

"(5A) Vehicles constructed or adapted for the secure transport of prisoners shall not be required to comply with the requirements of paragraph (2) in relation to seats for persons

other than the driver and front seat passenger provided that those seats shall have seat belt anchorage points provided for them in accordance with regulation 54.".

(6) In paragraph (6) after the words "disabled person's belt" there shall be inserted "first fitted before 1st September 2002".

(7) In paragraph (8) for sub-paragraph (*b*) there shall be substituted –

"(b) in any other case –

(i) with a designated approval mark; or

(ii) with an EC Component Type-Approval Mark complying with Annex III to Community Directive 2000/3.".

(8) In paragraph (11) after the definition of "lap belt" the following definition shall be inserted –

""retractable lap belt" means a lap belt with either an automatically locking retractor (as defined in paragraph 1.8.3 of Annex I to Community Directive 77/541) or an emergency locking retractor (as defined in paragraph 1.8.4 of Annex I to Community Directive 77/541);".

Amendment to regulation 56 (maintenance of seat belts and anchorage points)

4. In regulation 56(1) of the principal Regulations for the words "regulation 54(5)(a)" there shall be substituted "regulation 54(3) and item 4 in the Table in that regulation".

Amendment to regulation 57 (minibuses and coaches to be fitted with additional seat belts when used in certain circumstances)

5. In regulation 57 of the principal Regulations after paragraph (3) there shall be inserted –

"(3A) For the purposes of this regulation a rearward-facing seat shall be treated as a forward-facing seat which meets the requirements of this regulation if the coach or minibus concerned was first used on or after 1st September 2002, and the rearward-facing seat complies with the requirements of regulations 54 and 55.".

Amendment of Schedule 1 (Table I Community Directives and Table II ECE Regulations)

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

(2) In column 2 of item 68 in Table I for "90/269" there shall be substituted "90/629".

(3) After the entry for item 11 in Table II there shall be inserted –

"11A	14.04	14	30.1.70	Anchorages for seat belts	18.1.98	—
11B	14.05	14	30.1.70	Anchorages for seat belts	4.2.99	—"

Amendment of Schedule 10 (emissions from certain motor vehicles)

7. For paragraph 8 of Schedule 10 to the principal Regulations there shall be substituted –

"**8.** This Part of this Schedule applies to a vehicle if, when tested in accordance with point 8.2.2 of Annex II of Council Directive 96/96/EC(**3**) as replaced with Article 1

(**3**) O.J. No. L46, 17.02.97, p. 1

of Commission Directive 1999/52/EC(**4**), the coefficient of absorption of the exhaust emissions from the engine of the vehicle immediately after leaving the exhaust system exceeds—

(a) if the engine of the vehicle is turbo-charged, 3.0 per metre, or

(b) in any other case, 2.5 per metre.".

8. The Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2002(**5**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 25th July 2002.

Dermot Nesbitt
Minister of the Environment

(**4**) O.J. No. L142, 05.06.99, p. 26
(**5**) S.R. 2002 No. 197