STATUTORY RULES OF NORTHERN IRELAND

2002 No. 8

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Authorised Weight) (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*15th January 2002*
Coming into operation	*28th February 2002*

The Department of the Environment, in exercise of the powers conferred on it by Articles 55(1) and (2) 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 (Authorised Weight) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 28th February 2002.

(2) In these Regulations "the principal Regulations" means the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999(**2**).

Amendment to regulation 2 (interpretation)

2. Regulation 2(1) of the principal Regulations shall be amended as follows—

(a) for the definition of "the 1989 Regulations" there shall be substituted—

> ""the 1999 Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**3**);"; and

(b) the following new definitions shall be inserted in the appropriate alphabetical order—

> ""axle-lift device" means a device permanently fitted to the vehicle for the purpose of reducing or increasing the load on the axles, according to the loading conditions of the vehicle either—
>
> (a) by means of raising the wheels clear off the ground or by lowering them to the ground, or
>
> (b) without raising the wheels off the ground,

(**1**) S.I.1995/2994 (N.I. 18)
(**2**) S.R. 1999 No. 258
(**3**) S.R. 1999 No. 454 to which there are amendments not relevant to these Regulations

in order to reduce the wear on the tyres when the vehicle is not fully laden and, or alternatively, to make it easier for the vehicle to move off on slippery ground by increasing the load on the driving axle;

"complies with" shall, in relation to the requirements of a Community Directive, be construed in accordance with regulation 5 of the 1999 Regulations;

"diesel engine" shall be construed in accordance with paragraph 2.2 of Directive 88/77/EEC as amended by Directive 91/542/EEC, Annex I;

"Directive 88/77/EEC" means Council Directive 88/77 of 3rd December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from diesel engines for use in vehicles;

"Directive 91/542/EEC" means Council Directive 91/542 of 1st October 1991 amending Directive 88/77/EEC;

"first used" shall be construed in accordance with regulation 2(4) of the 1999 Regulations;

"gas", "semi-trailer", "trailer" and "wheel" have the meanings given in regulation 2(1) of the 1999 Regulations;

"low pollution engine" means an engine which—

(a) is fuelled solely by gas; or

(b) is fuelled predominantly by gas and has a minimum gas tank capacity of 400 litres; or

(c) being a diesel engine, complies with at least the requirements for the emission of gaseous and particulate pollutants specified in paragraph 6.2.1 of Annex I to Directive 88/77/EEC(**4**) as amended by Directive 91/542/EEC(**5**), the maximum masses of which as shown on line B in the table to that paragraph, are—

Mass of carbon monoxide (CO)	*Mass of hydrocarbons (HC)*	*Mass of nitrogen oxides (NOx)*	*Mass of particulates (PT)*
g/kWh	*g/kWh*	*g/kWh*	*g/kWh*
4.0	1.1	7.0	0.15

"loadable axle" means an axle the load on which can be varied without the axle being raised by the use of an axle-lift device; and

"retractable axle" means an axle which is raised or lowered by an axle-lift device, either by raising the wheels of the vehicle clear off the ground or by lowering them to the ground.".

Application of Regulations

3. For regulation 3 of the principal Regulations (application of Regulations) there shall be substituted the following—

"**3.** These Regulations apply to all wheeled motor vehicles and trailers which fall within category M_2, M_3, N_2, N_3, O_3 or O_4 of the vehicle categories defined in Annex II to Directive

(**4**) O.J. No. L36, 9.2.88, p. 33
(**5**) O.J. No. L295, 25.10.91, p. 1

70/156/EEC(**6**) as substituted by Directive 92/53/EC(**7**) except vehicle combinations which for the time being fulfil the requirements of Part II, III and IV of Schedule 14 to the 1999 Regulations (exemptions relating to combined transport operations).".

Amendment to regulation 4 (maximum authorised weights)

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

(2) In paragraph (1)(*c*) after the words "Schedule 3" there shall be inserted "or if any of the other requirements of that Schedule are not complied with".

(3) For paragraph (2) there shall be substituted—

"(2) A vehicle to which any of the provisions of regulations 87 to 91 of the 1999 Regulations apply, so long as it is so used that those provisions are complied with, shall be taken to comply with these Regulations except, in the case of a vehicle fitted with one or more retractable or loadable axles, for the provisions of paragraphs 3 and 4 of Schedule 3.".

Amendment to regulation 5 (saving for regulation 78 of the 1989 Regulations (over-riding weight restrictions))

5. For regulation 5 of the principal Regulations there shall be substituted the following—

"**Compliance with regulation 93 of the 1999 Regulations (over-riding weight restrictions)**

5.—(1) Subject to paragraph (2), nothing in these Regulations shall prejudice or affect regulation 93 of the 1999 Regulations and a person using or permitting a vehicle to be used contrary to the provisions of that regulation commits an offence even if the weights authorised by these Regulations are not exceeded.

(2) Regulation 93 of the 1999 Regulations shall not be contravened when a vehicle to which paragraph 3 of Schedule 3 applies is operated in accordance with sub-paragraph (3) of that paragraph.".

Amendment to Schedule 2 (maximum authorised weights for vehicle combinations)

6.—(1) Schedule 2 to the principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In Table III there shall be added the following new items—

"**13.** Articulated vehicle satisfying each of the conditions specified in sub-paragraphs (4) and (5)	6 or more	44000
14. Rigid motor vehicle towing a trailer satisfying each of the conditions specified in	6 or more	44000".

(**6**) O.J. No. L42, 23.2.70, p. 1
(**7**) O.J. No. L225, 10.8.92, p. 1