STATUTORY RULES OF NORTHERN IRELAND

2001 No. 172

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Approval) Regulations (Northern Ireland) 2001

Made - - - -	*11th April 2001*
Coming into operation	*1st June 2001*

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 I

General

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 and shall come into operation on 1st June 2001.

Interpretation

2.—(1) In these Regulations—

"the 1970 Directive" means Council Directive 70/156/EEC of 6th February 1970 on the approximation of laws of the member States relating to the type approval of motor vehicles and their trailers(**2**) as last amended by Directive 98/14/EC of 25th March 1998(**3**);

"the 1985 Regulations" means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(**4**);

"ambulance", "armoured vehicle", "hearse" and "motor caravan" have the meanings given by paragraph 1 of Schedule 1;

(**1**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"; Articles 31A, 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
(**2**) O.J. No. L42, 23.2.70, p. 1
(**3**) O.J. No. L91, 25.3.98, p. 1
(**4**) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1987 No. 389, S.R. 1988 No. 405, S.R. 1990 No. 84, S.R. 1991 No. 408, S.R. 1992 Nos. 86 and 508, S.R. 1995 No. 38, S.R. 1996 No. 156 and S.R. 1999 No. 234

"approval requirements", in relation to a vehicle, means the requirements prescribed by Article 31A of the Order as they apply to that vehicle and which are set out in regulation 4(1);

"axle weight", "gross weight", "kerbside weight", "maximum gross weight", "maximum permitted axle weight" and "wheel" have the meanings given in regulation 2(1) of the Construction and Use Regulations;

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**5**);

"design gross weight" means the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;

"EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(**6**);

"family of types" has the same meaning as in Annex XII to the 1970 Directive;

"kg" means kilograms;

"kph" means kilometres per hour;

"the Lighting Regulations" means the Road Vehicles Lighting Regulations (Northern Ireland) 2000(**7**);

"mm" means millimetres;

"mph" means miles per hour;

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

"registered" means registered under the Vehicle Excise and Registration Act 1994(**8**);

"relevant vehicle" means a vehicle to which these Regulations apply;

"Schedule 1 vehicle" has the meaning given in Schedule 1;

"subject matter" means a subject matter in relation to which approval requirements are specified in Schedule 2 or 3 and "applicable subject matter" in relation to a vehicle means a subject matter as respects which approval requirements are applicable to the vehicle in accordance with these Regulations.

(2) References to vehicles of categories M1, M2, M3, N1, N2 and N3 are to vehicles of those categories as defined in Annex II.A to the 1970 Directive.

(3) 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 Vehicles (Approval) (Fees) Regulations (Northern Ireland) 2001(**9**).

(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 16 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 is first assembled on or after that date, even if it includes one or more parts which were manufactured before that date.

(6) Schedule 5—

(**5**) S.R. 1999 No. 454
(**6**) Cm 2073 and 2183
(**7**) S.R. 2000 No. 169
(**8**) 1994 c. 22
(**9**) S.R. 2001 No. 170

(a) interprets expressions relating to Community instruments and ECE Regulations (including references to complying with provisions of such instruments); and

(b) sets out details of the Community instruments and ECE Regulations referred to in these Regulations.

Part II

Approval Requirements For Relevant Vehicles

Application of Regulations

3. These Regulations apply to every motor vehicle to which the 1985 Regulations apply.

Approval requirements for relevant vehicles

4.—(1) Subject to the following provisions of this regulation, the following are prescribed under Article 31A of the Order as requirements as to the design, construction, equipment and marking of relevant vehicles—

(a) in the case of any relevant vehicle, compliance with the requirements set out in column 3 of the Table in Schedule 2; and

(b) in the case of any relevant vehicle which is not a Schedule 1 vehicle, and in relation to each item in the Table in Schedule 3 for which is specified in column 3(*a*) of that Table a date which is, or falls before, the date of manufacture of the vehicle, compliance with the requirements of the Community Instruments set out in column 3(*b*) of that Table in relation to that item, or with any equivalent requirement of the ECE Regulations set out in column 3(*c*) of the Table.

(2) Subject to paragraph (3), the requirements of paragraph (1)(*b*) shall not apply to a relevant vehicle until 1st August 2001.

(3) Where, in the case of any relevant vehicle which is of category M1 and to which the requirements of paragraph (1)(*b*) would not otherwise apply, a person making an application in accordance with regulation 5 requests the Department in writing at the time of making the application that the provisions of paragraph (1)(*b*) be applied for the purposes of the application, those provisions shall so apply.

(4) The requirements set out or referred to in column 3 of the Tables in Schedules 2 and 3 have effect subject to the exceptions and modifications set out in column 5 of those Tables.

(5) An entry in column 4 of an item in the Table in Schedules 2 and 3 shall have effect for the purposes 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.

(6) Where a provision of any Community instrument or ECE Regulation is applied by Schedule 3, that provision as so applied shall (except in so far as the contrary intention appears) have effect in relation to a vehicle to which the 1985 Regulations apply as it has effect in relation to a vehicle of category M1.

(7) A relevant vehicle shall be regarded as complying with all the requirements prescribed under Article 31A of the Order if at least one of the following three conditions are satisfied in relation to each applicable subject matter mentioned in Schedule 2 or 3—

(a) that the vehicle complies with the requirements set out in paragraph (1);

(b) that the requirements applicable to the vehicle are prescribed by regulation 4 of the 1985 Regulations in relation to the subject matter and the vehicle complies with those requirements;

(c) that there is produced to the Department evidence that satisfies it that the vehicle has been found by the competent authority in another EEA State to comply with requirements applicable to the vehicle equivalent to those prescribed in relation to the subject matter.

(8) For the purposes of paragraph (7)(*b*), the requirements prescribed by regulation 4 of the 1985 Regulations in relation to the subject matter mentioned in column 2 of item 6 of the Table in Schedule 2 (lamps, reflectors and devices) shall be regarded as the requirements prescribed in relation to—

(a) installation of lighting and signalling equipment;

(b) direction indicators;

(c) headlamps and filament lamps;

(d) side, rear and stop lamps;

(e) rear reflectors; and

(f) rear fog lamps.

4. For the purposes of paragraph (7), regulation 4(1A)(**10**) of the 1985 Regulations shall have effect as if for sub-paragraph (*a*), there were substituted—

"(a) an entry in column (6) of Part I of Schedule 1 shall not apply to the vehicle if the vehicle was manufactured before the date specified or having effect as if specified in that entry;".

(10) If a relevant vehicle complies with all the requirements prescribed by regulation 4 of the 1985 Regulations (disregarding paragraph (9) above) that are applicable to it, the requirements prescribed by this regulation shall not apply to it.

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.

(**10**) Paragraph (1A) was inserted by S.R. 1992 No. 508, regulation 2(2)(b); amended by S.R. 1995 No. 38, regulation 4(2) and substituted by S.R. 1999 No. 234, regulation 3(2)

(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 purpose 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 application ("the original application") made in accordance with paragraphs (1) to (3) 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 those paragraphs if—

(a) it is made to the Department during the period of six months beginning with the date on which the original application was refused; and

(b) at the time that he makes the further application, the applicant requests an examination to be carried out for the purpose of the further application—

(i) during that period of six months,

(ii) except in the case of a Schedule 1 vehicle other than a left-hand drive vehicle or a personally imported vehicle, at the place where the examination took place for the purposes of the original application.

(7) Paragraphs (4) and (5) shall not apply to an application made in accordance with paragraph (6); and in the case of such an application—

(a) the Department shall inform the applicant in such manner as it thinks fit of the time when and the place where the examination is to be carried out;

(b) the Department may 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;

(c) if the Department so alters the time or place, it shall inform the applicant in such manner as it thinks fit of the time when and the place where the examination is to be carried out; and

(d) the applicant shall pay the prescribed fee to the Department before the examination is carried out.

(8) Paragraphs (4) to (7) shall not apply to an application for the issue of a Department's approval certificate under Article 31A(5) of the Order.

Assignment of vehicle identification numbers

6.—(1) This regulation applies where it appears to the Department when it gives notice under regulation 5(4) that the vehicle to which the application relates does not have a vehicle identification number which—

(a) complies with paragraph 3.1.1 of the Annex to Directive 76/114/EEC(**11**) or that Directive as last amended by Directive 78/507/EEC(**12**);

(b) has been previously assigned to the vehicle under this regulation; or

(c) does not fall within sub-paragraph (*a*) or (*b*), but is adequate for the purpose of enabling the vehicle to be identified.

(2) In such a case—

(a) the Department shall assign a vehicle identification number to the vehicle; and

(b) the number shall be specified in the notice.

(**11**) O.J. No. L24, 18.12.75, p. 1
(**12**) O.J. No. L155, 19.5.78, p. 31