STATUTORY RULES OF NORTHERN IRELAND

2000 No. 161

ROAD TRAFFIC AND VEHICLES

Motor Cycles (Eye Protectors) Regulations (Northern Ireland) 2000

Made - - - -	*9th May 2000*
Coming into operation	*21st June 2000*

The Department of the Environment, in exercise of the powers conferred on it by Articles 29(1) 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 Cycles (Eye Protectors) Regulations (Northern Ireland) 2000 and shall come into operation on 21st June 2000.

(2) In these Regulations—

(a) "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(**2**);

(b) "eye protector" means an appliance designed or adapted for use with any headgear or by being attached to or placed upon the head by a person driving or riding on a motor bicycle and intended for the protection of the eyes;

(c) "motor bicycle" means a two-wheeled motor cycle, whether or not having a side-car attached, and for the purposes of this definition, where the distance measured between the centre of the area of contact with the road surface of any two wheels of a motor cycle is less than 460 millimetres, those wheels shall be counted as one wheel.

Prescribed types of authorised eye protector

2.—(1) Subject to paragraph (3), the types of eye protector hereby prescribed as authorised for use by persons driving or riding (otherwise than in a side-car) on a motor bicycle are—

(a) those which conform—

(**1**) S.I. 1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "the Department"
(**2**) Cm 2073 and 2183

(i) to the requirements relating to Grade X in British Standard BS 4110:1979 and are marked with that Grade and the number of that standard,

(ii) to the requirements relating to Grades XA, YA or ZA in British Standard BS 4110:1979 as amended by Amendment No. 1 (AMD 3368), Amendment No. 2 (AMD 4060) and Amendment No. 3 (AMD 4630) and are marked with the number of that standard and the Grade to which they conform, or

(iii) to any other standard accepted by an EEA State, which offers in use levels of safety, suitability and fitness for purpose equivalent to those offered by the standards referred to in paragraph (i) or (ii) above, and are marked with a mark to indicate that standard,

and in each case are marked with an approved certification mark of an approved body (whether or not they are required to be so marked by the standard in point);

(b) those which comply with the requirements of Council Directive 89/686/EEC(**3**) of the 21st December 1989 on the approximation of the laws of the Member States relating to personal protective equipment as amended by Council Directives 93/68/EEC(**4**) of 22nd July 1993, 93/95/EEC(**5**) of 29th October 1993 and 96/58/EEC(**6**) of 3rd September 1996; or

(c) those which were first used before 1st April 1989 and fulfil all of the following requirements—

(i) they are fitted with lenses that are designed to correct a defect in sight,

(ii) they transmit 50 per cent or more of the light, and

(iii) they do not fly into fragments if fractured.

(2) For the purposes of this regulation—

(a) an approved certification mark is—

(i) the certification mark of the British Standards Institution; or

(ii) a certification mark which indicates that a conformity assessment equivalent to that of the British Standards Institution has been undertaken, and

(b) an approved body is—

(i) the British Standards Institution; or

(ii) any body approved by an EEA State to undertake conformity assessments equivalent to those undertaken by the British Standards Institution.

(3) The types of eye protector prescribed by paragraph (1) are not prescribed as authorised for use by persons to whom paragraph (4) applies.

(4) This paragraph applies to any person driving or riding on a motor bicycle if—

(a) it is a mowing machine;

(b) it is for the time being propelled by a person on foot;

(c) it is a vehicle brought temporarily into Northern Ireland by a person resident outside the United Kingdom which has not remained in the United Kingdom for a period of more than one year from the date it was last brought into the United Kingdom; or

(d) that person is in the armed forces of the Crown, is on duty and is wearing an eye protector supplied to him as part of his service equipment.

(**3**) O.J. No. L399, 30.12.89, p. 18
(**4**) O.J. No. L220, 30.8.93, p. 1
(**5**) O.J. No. L276, 9.11.93, p. 11
(**6**) O.J. No. L236, 18.9.96, p. 44