STATUTORY RULES OF NORTHERN IRELAND

1999 No. 279

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 6) Regulations (Northern Ireland) 1999

Made - - - - 18th June 1999
Coming into operation in accordance with regulation 1(2)

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. 6) Regulations (Northern Ireland) 1999.

(2) These Regulations shall come into operation—

(a) for the purposes of regulation 3(3), on 1st January 2000;

(b) for the purposes of regulation 3(4) and (6) on 1st September 2001; and

(c) for all other purposes on 1st August 1999.

(3) The Department is satisfied that—

(a) it is requisite that the provisions of regulation 3(9) shall apply as from 1st August 1999 to vehicles registered under the Vehicle Excise and Registration Act 1994(**2**) before the expiration of one year from the making of these Regulations; and

(b) notwithstanding that the said provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby.

(4) In these Regulations "the principle Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**3**).

(**1**) S.I. 1995 No. 2994 (N.I. 18); see Article 2(2) for the definition of "the Department"
(**2**) 1994 c. 22
(**3**) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1991 No. 420, S.R. 1992 Nos. 111 and 509, S.R. 1993 No. 39, S.R. 1994 No. 231 and S.R. 1999 No. 235

Amendments to regulation 37 (fuel tanks)

2. In regulation 37(**4**) of the principal Regulations—

(a) in paragraph (2), for the words "paragraphs (3) and (4)" there shall be substituted "paragraphs (3), (3A) and (4)"; and

(b) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Head (i) of paragraph (2)(c) shall not have effect in relation to a two-wheeled motor cycle (with or without a side-car) first used on or after 1st August 1999.".

Amendments to regulation 63 (emission of smoke, vapour, gases, oily substances, etc.)

3.—(1) Regulation 63 of the principal Regulations shall be amended as follows—

(2) In paragraph (1), for the words "paragraph (4)" there shall be substituted the words "paragraph (3B)".

(3) For paragraph (10A)(**5**), there shall be substituted the following paragraph—

"(10A) Without prejudice to paragraphs (1) and (7) and subject to the following provisions of this regulation, no person shall use, or cause or permit to be used on a road, a vehicle first used on or after 1st August 1975 and propelled by a four-stroke spark ignition engine, if the vehicle is in such a condition and running on such fuel that—

(a) when the engine is idling the carbon monoxide content of the exhaust emissions from the engine exceeds—

(i) in the case of a vehicle first used before 1st August 1986, 4.5%; or

(ii) in the case of a vehicle first used on or after 1st August 1986, 3.5%;

of the total exhaust emissions from the engine by volume; and

(b) when the engine is running without load at a rotational speed of 2,000 revolutions per minute, the hydrocarbon content of those emissions exceeds 0.12% of the total exhaust emissions from the engine by volume.".

(4) After paragraph (10A), there shall be inserted the following paragraphs—

"(10AA) Without prejudice to paragraphs (1) and (7) and subject to the following provisions of this regulation, no person shall use, or cause or permit to be used on a road, a vehicle to which this paragraph applies and which is propelled by a spark ignition engine, if the vehicle is in such a condition and running on such fuel that Part I of Schedule 6B applies to the vehicle.

(10AB) Subject to paragraph (10B), paragraph (10AA) applies to—

(a) a passenger car which—

(i) is first used on or after 1st August 1992 and before 1st August 1995, and

(ii) is of a description mentioned in the Annex to the emissions publication;

(b) a vehicle which—

(i) is not a passenger car,

(ii) is first used on or after 1st August 1994, and

(iii) is of a description mentioned in the Annex to the emissions publication; or

(c) a passenger car which is first used on or after 1st August 1995,

(**4**) Regulation 37 was amended by S.R. 1992 No. 111, regulation 11
(**5**) Paragraph (10A) was inserted by S.R. 1993 No. 39, regulation 2(4)

and in this paragraph, "emissions publication" has the meaning given in Part I of Schedule 6B.

(10AC) Paragraph (10A) does not apply to—

(a) a vehicle to which paragraph (10AA) applies; or

(b) a vehicle if, at the date the engine was manufactured, that engine was incapable of meeting the requirements specified in that paragraph.

(10AD) Paragraph (10AA) does not apply to a vehicle if, at the date that engine was manufactured, that engine was incapable of meeting the requirements specified in that paragraph.".

(5) In paragraph (10B)(**6**)—

(a) for the words "Paragraph (10A) does not" there shall be substituted the words "Paragraphs (10A) and (10AA) do not"; and

(b) sub-paragraphs (a), (g), (h) and (i) shall be omitted and sub-paragraphs (b), (c), (d), (e), (f) and (j) shall be renumbered as (a), (b), (c), (d), (e) and (f).

(6) After paragraph (10B), there shall be inserted the following paragraphs—

"(10BA) Without prejudice to paragraphs (1) and (7), no person shall use, or cause or permit to be used on a road, a vehicle propelled by a compression ignition engine, if the vehicle is in such a condition and running on such fuel that Part II of Schedule 6B applies to the vehicle.

(10BB) Paragraph (10BA) shall not apply to—

(a) a vehicle if, at the date that the engine was manufactured, that engine was incapable of meeting the requirements specified in that paragraph;

(b) a vehicle being driven to a place where it is to undergo repairs;

(c) an exempt vehicle within the meaning given by paragraph (12)(a);

(d) engineering plant, an industrial tractor or a works truck; and

(e) (i) a goods vehicle of which the design gross weight is more than 3,000 kilograms but does not exceed 3,500 kilograms;

(ii) a small bus, constructed or adapted to carry more than 12 seated passengers, used under a permit granted under section 10B of the Transport Act (Northern Ireland) 1967(**7**); and

(iii) a vehicle in Class III, IV or V within the meaning of the Motor Vehicle Testing Regulations (Northern Ireland) 1995(**8**)

and first used before 1st August 1979.".

(7) In paragraph (11)(**9**), for the words "item 8, 9, 10 or 11" there shall be substituted the words "any item numbered 8 or more".

(8) After paragraph (11), there shall be inserted the following paragraph—

"(11A) In this regulation, "passenger car" means a motor vehicle which—

(a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle;

(b) has no more than five seats in addition to the driver's seat; and

(**6**) Paragraph (10B) was inserted by S.R. 1993 No. 39, regulation 2(4)
(**7**) 1967 c. 37; section 10B was inserted by S.I. 1990/994 (N.I. 7), Article 3
(**8**) S.R. 1995 No. 448 as amended by S.R. 1996 No. 140 and S.R. 1998 No. 74 and S.R. 1999 No. 78
(**9**) Paragraph (11) was inserted by S.R. 1991 No. 420, regulation 7(3) and amended by S.R. 1992 No. 509, regulation 5(5) and S.R. 1994 No. 231, regulation 2(2) and S.R. 1999 No. 235, regulation 8(4)

(c) has a maximum gross weight not exceeding 2,500 kg.".

(9) For Table II(**10**) there shall be substituted the Table set out in Schedule 1.

New Schedule 6B (emission requirements relating to certain motor vehicles)

4. After Schedule 6A(**11**), there shall be inserted the Schedule set out in Schedule 2.

Amendment to Schedule 1

5. In Table I of Schedule 1, after item 75 there shall be inserted the following item—

"76	94/12	23.3.94	L100, 19.4.94, p. 42	Measures to be taken against air pollution by emissions from motor vehicles	70/220 as amended by 74/290, 77/102, 78/665, 83/351, 88/76, 88/436, 89/458, 91/441 and 93/59	4L".

Sealed with the Official Seal of the Department of the Environment on 18th June 1999.

J. Ritchie
Assistant Secretary

(**10**) Table II was inserted by S.R. 1991 No. 420, reg. 7(5) and substituted by S.R. 1994 No. 231, regulation 2(4)
(**11**) Schedule 6A was inserted by S.R. 1995 No. 94, regulation 3(9) and Schedule 2

SCHEDULE 1 Regulation 3(9)

“**Table II Regulation 63(3A), (3C), (7), (11) and (12)**

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements		(5) Vehicles exempted from requirements	(6) Emitted substances
			(a) Instruments	(b) Place in instrument where requirements are stated		
1.	Vehicles propelled by a spark ignition engine.	1st October 1982.	Community Directive 78/665 or ECE Regulation 15.03.	Annex I, paragraphs 3 and 5.	(a) A vehicle whose maximum gross weight exceeds 3,500kg;	Carbon monoxide, hydrocarbons and oxides of nitrogen.
				Paragraphs 5, 8 and 11.	(b) A vehicle which complies with the requirements of item 2, 4, 5, 8, 11, 12 or 13;	
					(c) A vehicle whose maximum speed is less than 50km/h;	
					(d) An exempt vehicle.	
2.	All vehicles.	1st April 1991.	Community Directive 83/351	Annex I, paragraphs 5, 7 and 8.	(a) A vehicle propelled by a compression ignition engine and whose	Carbon monoxide, hydrocarbons and oxides of nitrogen.