STATUTORY RULES OF NORTHERN IRELAND

1999 No. 235

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 1999

Made - - - -	*17th May 1999*
Coming into operation	*28th June 1999*

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, application and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 1999 and shall come into operation on 28th June 1999.

(2) The Department is satisfied that it is requisite that regulations 3, 4, 7 and 9 of these Regulations shall apply as from 28th June 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 that no undue hardship or inconvenience will be caused by their application then to those vehicles.

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

Amendments to regulation 2 (interpretation)

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

(2) In paragraph (1), after the definition of "agricultural motor vehicle", there shall be inserted the following definition—

> ""agricultural or forestry tractor" means an agricultural or forestry tractor within the meaning of Community Directive(**4**) 82/890(**5**).".

(**1**) S.I. 1995/2994 (N.I. 18)
(**2**) 1994 c. 22
(**3**) S.R. 1989 No. 299; relevant amending regulations are S.R. 1991 Nos. 147 and 420, S.R. 1992 Nos. 111, 373 and 509, S.R. 1993 Nos. 39 and 247, S.R. 1994 Nos. 231 and 452, S.R. 1995 No. 94 and S.R. 1996 No. 275
(**4**) The definition of Community Directive was amended by S.R. 1991 No. 147, regulation 2(1)(b)
(**5**) O.J. No. L378, 31.12.82, p. 45

(3) In paragraph (2), at the appropriate place, there shall be inserted the following definition—

""Framework Directive" means Council Directive 70/156/EEC(**6**) as amended by Council Directive 87/403/EEC(**7**), Council Directive 92/53/EEC(**8**) and Commission Directive 93/81(**9**).".

Amendments to regulation 56 (silencers — general)

3.—(1) Regulation 56 of the principal Regulations shall be amended in accordance with paragraph (2).

(2) In paragraph (3)—

(a) for "or 84/424" there shall be substituted ", 84/424 or 92/97 or ECE Regulation 51.02", and

(b) after "78/1015" there shall be inserted ", 87/56 or 89/235".

Amendments to regulation 57 (noise limits — general)

4.—(1) Regulation 57 of the principal Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) For the heading there shall be substituted—

"Noise limits — certain vehicles with 3 or more wheels — general".

(3) In paragraph (1), for the words "paragraph (2)" there shall be substituted the words "paragraphs (1A) and (2)".

(4) After paragraph (1) there shall be inserted the following paragraph—

"(1A) This regulation does not apply to a vehicle to which an item in the Table in regulation 57A applies.".

(5) After paragraph (6) there shall be inserted the following paragraph—

"(6A) A vehicle shall be deemed to satisfy the requirements of this regulation if it is so constructed that it complies with the requirements specified in column 4 of item 2 in the Table in regulation 57A as they apply to a vehicle first used on the date specified in column 3 of that item.".

(6) In paragraph (7) for "84/424" there shall be substituted "84/424 or 92/97 or 96/20 or ECE Regulation 51.02".

New regulation 57A (noise limits — vehicles first used on or after 28th June 1999)

5. After regulation 57 of the principal Regulations there shall be inserted the following regulation —

"**Noise limits — certain vehicles first used on or after 28th June 1999 — general**

57A.—(1) A motor vehicle to which an item in the Table applies shall be so constructed that it meets the requirements specified in column 4 of that item; and an item in that Table applies to a vehicle if it is of the description specified in column 2 of that item.

This paragraph has effect subject to the following provisions of this regulation, regulation 61 and Schedule 6XA.

(**6**) O.J. No. L42, 23.2.70, p. 1
(**7**) O.J. No. L220, 8.8.87, p. 44
(**8**) O.J. No. L225, 10.8.92, p. 1
(**9**) O.J. No. L264, 23.10.93, p. 49

TABLE

1 *Item*	2 *Vehicles to which the item applies*	3 *Earliest date of first use (see column 2)*	4 *The requirements*	5 *Modification of Community Directives in relation to special vehicles (see paragraph (4) (c))*
1	**1.** All motor vehicles with less than 4 wheels and first used on or after the date specified in column 3 of this item. **2.** All special vehicles first used on or after the date specified in column 3 of this item. **3.** All motor vehicles first used on or after the date specified in column 3 of this item with a maximum speed not exceeding 25 km/hr.	28.6.99	The requirements of— (a) regulation 57 as they would apply to the vehicle but for paragraph (1A) of that regulation; or (b) paragraphs 3 and 5.2 of Annex I to Community Directive 92/97 or 96/20.	For paragraph 5.2.2.1 of Annex I, substitute— "The sound level measured in accordance with 5.2.2.2 to 5.2.2.5 of this Annex shall not exceed— (a) in the case of vehicles with engine power of less than 75 kW, 84 dB(A); (b) in the case of vehicles with engine power not less than 75 kW, 86 dB(A);". (c)
2	All motor vehicles first used on or after the date specified in column 3 of this item, not being a vehicle to which item 1 applies.	28.6.99	The requirements of paragraphs 3 and 5 of Annex I to Community Directive 92/97 or 96/20.	

(2) Paragraph (1) does not apply to—

(a) a vehicle with less than 3 wheels; or

(b) a vehicle of a description mentioned in regulation 57(2).

(3) In this regulation, "special vehicle" means a vehicle which is—

(a) engineering plant;

(b) a locomotive other than an agricultural motor vehicle;

(c) a motor tractor other than an industrial tractor or an agricultural motor vehicle;

(d) a public works vehicle; or

(e) a works truck.

(4) For the purposes of this regulation—

(a) subject to sub-paragraphs (b), (c), (d) and (e), the Community Directives referred to in this regulation shall have effect in relation to a vehicle that is not a "vehicle" within the meaning of the Framework Directive but is of a class of a description specified in column 2 of an item in the Table in regulation 13 (whether or not regulation 13 applies to the vehicle) as it has effect in relation to a vehicle of a category specified in column 3 of that item;

(b) subject to sub-paragraphs (c), (d) and (e), a vehicle that does not fall within sub-paragraph (a) and is not a "vehicle" within the meaning of the Framework Directive shall be regarded as meeting the requirements of paragraph 5.2 of Annex I to Community Directive 92/97 or 96/20 in item 1 of the Table or paragraph 5 of Annex I to those Directives in item 2 of the Table if it meets—

(i) the requirements of that paragraph as it applies to a vehicle in category M_1 or N_1 within the meaning of the Community Directive; or

(ii) the requirements of that paragraph as it applies to a vehicle that is not in either of those categories;

(c) subject to sub-paragraphs (d) and (e), in relation to a special vehicle the Community Directives mentioned in column 4 of an item in the Table shall have effect with the modifications (if any) specified in column 5 of the item;

(d) a requirement in paragraph 5.2.2.1 of Annex I to Community Directive 92/97 for a sound level not to exceed a specified limit in specified circumstances shall be read as a requirement for the sound level not to exceed that limit by more than the amount mentioned in paragraph 4.1 of Annex V to the Community Directive in those circumstances;

(e) a requirement in paragraph 5.2.2.1 of Annex I to Community Directive 96/20 for a sound level not to exceed a specified limit in specified circumstances shall be read as a requirement for the sound level not to exceed that limit by more than the amount mentioned in paragraph 4.1 of Annex III to the Directive in those circumstances.

(5) Instead of complying with paragraph (1) a vehicle may comply at the time of its first use—

(a) in the case of a vehicle to which item 1 of the Table applies, with Community Directive 77/212, 81/334, 84/424, 92/97 or 96/20 or ECE Regulation 51.02; or

(b) in the case of a vehicle to which item 2 of the Table applies, with Community Directive 92/97 or 96/20 or ECE Regulation 51.02.".

Amendment to regulation 61 (exceptions to certain regulations)

6. In regulation 61 of the principal Regulations, after "57," there shall be inserted "57A,".

Amendments to regulation 62 (radio interference suppression)

7.—(1) Regulation 62 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) For paragraph (1) there shall be substituted the following paragraphs—

"(1) Subject to paragraphs (1B), (1D), 1(E) and (2)—

(a) every vehicle to which this sub-paragraph applies shall be so constructed that it complies with the requirements of paragraph 6 of Annex I to Community Directive 72/245 or paragraph 6 (as read with paragraph 8) of Annex I to Community Directive 95/54 (whether or not those Community Directives apply to the vehicle); and

(b) every agricultural and forestry tractor which is propelled by a spark ignition engine and is first used on or after 1st April 1974 shall be so constructed that it meets the requirements of paragraph 6 of Community Directive 72/245, 75/322 or 95/54.

(1A) Paragraph (1)(a) applies to every wheeled vehicle which is propelled by a spark ignition engine and—

(a) is first used on or after 1st April 1974 and before 1st January 1996; or

(b) is first used on or after 1st January 1996 and is a "vehicle" within the meaning of the Framework Directive.

(1B) For the purposes of paragraph (1)—

(a) a requirement in paragraph 6.2.2 of Community Directive 72/245 or 75/322 for any description of radiation level not to exceed a specified limit when measured in specified circumstances shall be read as a requirement for that description level not to exceed that limit by more than the amount mentioned in paragraph 9.2 of those Community Directives when measured in those circumstances; and

(b) a requirement in paragraph 6.2.2 or 6.3.2 of Community Directive 95/54 for any description of radiation level not to exceed a specified limit when measured in specified circumstances shall be read as a requirement for that description of radiation level not to exceed that limit by more than the amount mentioned in paragraph 7.3.1 of the Community Directive when measured in those circumstances.

(1C) Subject to paragraph (1F), on and after 1st October 2002 no person shall use or cause or permit to be used on a road a vehicle—

(a) in respect of which an EC certificate of conformity has been issued; and

(b) which is fitted with any electrical/electronic sub-assembly that was not fitted to the vehicle when the certificate was issued,

unless the electric/electronic sub-assembly is marked in accordance with the requirements of Community Directive 95/54/EC.

(1D) Instead of complying with paragraph (1)(a) a vehicle may comply at the time of first use with Community Directive 72/245 or 95/54 or ECE Regulation 10 or 10.01.

(1E) Instead of complying with paragraph (1)(b) a vehicle may comply at the time of first use with Community Directive 75/322.