STATUTORY RULES OF NORTHERN IRELAND

1999 No. 9

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1999

Made - - - - 11th January 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) Regulations (Northern Ireland) 1999.

(2) These Regulations shall come into operation on 22nd February 1999 except for regulation 4 which shall come into operation on 22nd February 2000.

(3) In these Regulations "the principal Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**2**).

Amendment of regulation 34A (speed limiters)

2.—(1) Regulation 34A(**3**) of the principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) For paragraphs (1) and (2) there shall be substituted—

"(1) This Regulation applies to every bus and coach which—

(a) has a maximum gross weight exceeding 10 tones;

(b) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h; and

(c) was first used on or after 1st January 1988.".

(**1**) S.I.1995/2994 (N.I. 18)
(**2**) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1994 No. 452
(**3**) Regulation 34A was inserted by S.R. 1994 No. 452, regulation 4(1) and Schedule Part I

(3) In paragraph (3), for sub-paragraph (c) there shall be substituted the following sub-paragraph —

"(c) be calibrated to a set speed not exceeding 100 km/h."

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

"(8A) Until 22nd February 2000, in relation to a vehicle not used for transport operations outside the United Kingdom and first used before 22nd February 1999, paragraph (3)(c) shall have effect as if for "100 km/h" there were substituted "105 km/h"."

(5) In paragraph (9) the definition of "stabilised speed" shall be omitted.

Amendment of regulation 34B (speed limiters)

3.—(1) Regulation 34B(**4**) of the principal Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) For paragraphs (1) and (2) there shall be substituted—

"(1) This Regulation applies to every goods vehicle which—

(a) has a maximum gross weight exceeding 12 tonnes;

(b) is first used on or after 1st January 1988; and

(c) has, or if a speed limiter were not fitted would have, a relevant speed exceeding 90 km/h.".

(3) In paragraph (3), for sub-paragraph (c) there shall be substituted the following sub-paragraph —

"(c) subject to paragraph (3A), be set at a speed not exceeding 85 km/h and so that the stabilised speed of the vehicle does not exceed 90 km/h.".

(4) After paragraph (3) there shall be inserted the following paragraph—

"(3A) Where—

(a) a speed limiter fitted to a goods vehicle first used on or after 1st January 1988 is set at a particular speed above 85 km/h (approximately 52.8 mph); and

(b) the processes used in the construction of the vehicle, the speed limiter and its other equipment were such as to ensure that, with the speed limiter set at that particular speed, the vehicle would have a stabilised speed not exceeding 90 km/h (approximately 55.9 mph),

the speed limiter of the vehicle shall, for the purposes of paragraph (3)(c) and regulation 71A, be deemed to have been set at a speed of 85 km/h.".

(5) After paragraph (7) there shall be inserted the following paragraph—

"(7A) Until 22nd February 2000, paragraph (3A) shall have effect with the omission of the words"and regulation (71A)"".

(6) In paragraph (9), the words "and "stabilised speed"" shall be omitted and after the definition of "relevant speed"there shall be inserted—

""stabilised speed" means the mean speed of a vehicle when its speed is under the control of a speed limiter and stable speed control has been achieved."

(**4**) Regulation 34B was inserted by S.R. 1994 No. 452, regulation 4(1) and Schedule Part I