STATUTORY RULES OF NORTHERN IRELAND

1998 No. 225

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 1998

Made - - - -	*18th June 1998*
Coming into operation	*1st August 1998*

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, interpretation and application

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 1998 and shall come into operation on 1st August 1998.

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

(3) The Department is satisfied that it is requisite that regulation 3 of these Regulations shall apply as from 1st August 1998 to vehicles registered under the Vehicle Excise and Registration Act 1994(**3**) 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.

Amendments to regulation 3 (application and exemptions)

2. In column 3 of items 2 and 3 in the Table in regulation 3 of the principal Regulations, after "9," there shall be inserted "9A,".

Replacement of regulation 9 (indication of overall travelling height)

3. For regulation 9 of the principal Regulations there shall be substituted the following Regulations—

(**1**) S.I. 1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "the Department"
(**2**) S.R. 1989 No. 299, to which there are amendments not relevant to these Regulations
(**3**) 1994 c. 22

"**Indication of overall travelling height**

9.—(1) Subject to the provisions of this regulation, no person shall drive or cause or permit to be driven on a road a motor vehicle with an overall travelling height exceeding 3m unless a notice is displayed in the cab, in such a manner that it can easily be read by the driver, and the notice meets the requirements of paragraph (3).

(2) Subject to the provisions of this regulation, no person shall use or cause or permit to be used on a road a motor vehicle with an overall travelling height exceeding 3m if any letters or numbers are displayed in the cab, otherwise than in a notice which meets the requirements of paragraph (3)—

(a) where they could be read by the driver; and

(b) which could be understood as indicating a height associated with the vehicle or any trailer drawn by it.

(3) The requirements of this paragraph in respect of a notice are that—

(a) the notice gives an indication of vehicle height expressed in feet and inches, or in both feet and inches and in metres;

(b) the numbers giving the indication in feet and inches are at least 40mm tall;

(c) the height expressed in feet and inches and (where applicable) the height expressed in metres are—

(i) if the vehicle is a vehicle to which regulation 9A applies, not less than the predetermined height mentioned in regulation 9A(2)(*a*) or the overall travelling height (whichever is the greater), or

(ii) if the vehicle is not a vehicle to which regulation 9A applies, not less than the overall travelling height;

(d) if the vehicle is not a relevant vehicle, the height expressed in feet and inches does not exceed the overall travelling height by more than 150mm;

(e) if the vehicle is a relevant vehicle, the height expressed in feet and inches does not exceed the overall travelling height by more than 1m;

(f) if the height is expressed in both feet and inches and in metres, the height expressed in feet and inches and the height expressed in metres do not differ by more than 50mm; and

(g) no other letters or numbers which could be understood as being an indication of any height associated with the vehicle or any trailer drawn by it are displayed in the notice.

(4) Paragraph (1) shall not apply if, having regard to the lengths of road which the driver might drive along in the course of fulfilling the purpose of the journey taking into account any possibility of unforeseen diversions and the driver having difficulty in finding his way, it is highly unlikely that the driver would during the course of the journey encounter any bridge or other overhead structure which does not exceed by at least 1m—

(a) in the case of a vehicle to which regulation 9A applies, the maximum travelling height; or

(b) in any other case, the overall travelling height.

(5) Paragraph (1) shall not apply to a vehicle on a particular journey and at a particular time if—

(a) one or more documents are being carried in the vehicle which are within the easy reach of the driver and that or those documents describe a route or a choice of routes which the driver must take in order to fulfil the purpose of the

journey without risk of the vehicle, its load or equipment or any trailer drawn by the vehicle, its load or equipment, colliding with any bridge or other overhead structure; and

(b) the vehicle is on such a route which is so described or is off that route by reaon of a diversion that could not reasonably have been foreseen at the beginning of the journey.

(6) Paragraph (1) shall not apply to a vehicle on a particular journey if—

(a) one or more documents are being carried in the vehicle which are within the easy reach of the driver and that or those documents contain information as to—

(i) the height of bridges and other overhead structures under which the vehicle and any trailer drawn by it could pass, and

(ii) the height of bridges and other overhead structures under which the vehicle and any trailer drawn by it could not pass,

without the vehicle, its load or equipment or any such trailer, its load or equipment, colliding with any bridge or other overhead structure; and

(b) the information is such that, having regard in particular to the matters referred to in paragraph (7), it would enable any driver to fulfil the purpose of the journey without there being any risk of the vehicle, its load or equipment or any trailer, its load or equipment, colliding with any bridge or other overhead structure while on the journey.

(7) The matters referred to in paragraph (6) are—

(a) the roads which the driver might drive along in the course of fulfilling the purpose of the journey taking into account any possibility of unforeseen diversions and of the driver having difficulty in finding his way;

(b) the height of bridges and other overhead structures that would be encountered were the vehicle to proceed along any of those roads; and

(c) the setting of any device of a description specified in regulation 9A(2).

(8) Paragraphs (1) and (2) shall not apply to a motor vehicle if it has an overall travelling height of not more than 4m and—

(a) it is a vehicle registered or put into circulation in an EEA State and is being used in international traffic; or

(b) it is a motor vehicle drawing a trailer registered or put into circulation in an EEA State and that trailer is being used in international traffic.

(9) For the purposes of this regulation—

(a) "EEA State", and "high level equipment" and "maximum travelling height" have the meanings given in regulation 9C;

(b) "overall travelling height" in relation to a motor vehicle means—

(i) if it is not drawing a trailer, the overall height for the time being of the vehicle, its equipment and load, or

(ii) if it is drawing one or more trailers, the overall height for the time being of the combination of vehicles, their equipment and loads.

(c) a motor vehicle is a "relevant vehicle" if at any particular time—

(i) the vehicle or any trailer drawn by it is fitted with high level equipment with a maximum height of more than 3m; and

(ii) the overall travelling hight is less than the maximum travelling height.

(10) In paragraph (8), "international traffic" and "registered or put into circulation" have the same meanings as in Article 3 of Community Directive 85/3(**4**).

Warning devices where certain high level equipment is fitted to a vehicle

9A.—(1) Subject to the provisions of this regulation and regulations 9B and 9C, no person shall drive or cause or permit to be driven on a road a vehicle to which this regulation applies unless the vehicle is fitted with a warning device and the requirements specified in paragraph (2) are satisfied in respect of the device, the vehicle and any relevant trailer drawn by the vehicle.

(2) The requirements are—

(a) that the device, the vehicle and any relevant trailer drawn by it shall be so constructed, maintained and adjusted, and the connections between the vehicle and those trailers are such, that the device would give a visible warning to the driver if, whilst the vehicle was being driven, the height of the highest point of any high level equipment fitted to the vehicle or any of those trailers were to exceed a predetermined height; and

(b) the predetermined height referred to in sub-paragraph (*a*) shall not exceed the overall travelling height by more than 1m.

(3) No person shall be taken to have failed to comply with paragraph (1) on the ground that a motor vehicle or a relevant trailer was not fitted with a warning device and the requirements in paragraph (2) were not being satisfied as mentioned in paragraph (1)—

(a) before 1st August 1999—

(i) if the motor vehicle was first used before 1st February 1999; or

(ii) the relevant trailer was manufactured before 1st February 1999; or

(b) before 1st February 1999 in relation to any other motor vehicle or relevant trailer.

(4) Paragraph (1) shall not apply in relation to a particular journey if, having regard to the lengths of road which the driver might drive along in the course of fulfilling the purpose of the journey and taking into account any possibility of unforeseen diversions and the driver having difficulty in finding his way, it is highly unlikely that the driver would during the course of the journey be confronted with any bridge or other overhead structure which does not exceed the maximum travelling height by at least 1m.

Vehicles to which regulation 9A applies

9B.—(1) Subject to the provisions of this regulation, regulation 9A applies to—

(a) a motor vehicle first used on or after 1st February 1994, if the vehicle or any relevant trailer drawn by it, is fitted with high level equipment with a maximum height of more than 3m; and

(b) a motor vehicle first used before 1st February 1994, if any relevant trailer drawn by it is fitted with such equipment.

(2) Regulation 9A does not apply to a motor vehicle if it has an overall travelling height of not more than 4m and—

(a) it is a vehicle registered or put into circulation in an EEA State and is being used in international traffic; or

(**4**) O.J. L2, 3.1.85 p. 14. "Community Directive" is defined in regulation 2(2) of, and Table I of Schedule 1 to the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989; relevant amending regulations for this purpose are S.R. 1991 No. 147 and S.R. 1992 No. 509