STATUTORY RULES OF NORTHERN IRELAND

# 1997 No. 169

# ROAD TRAFFIC AND VEHICLES

## Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1997

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| *Made - - - -* | *20th March 1997* |
| *Coming into operation* | *1st May 1997* |

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) 1997 and shall come into operation on 1st May 1997.

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

**Amendments to regulation 13 (braking systems of certain vehicles first used on or after 1st April 1983)**

**2.** Regulation 13 of the principal Regulations shall be amended as follows—

(1) In paragraph (1), the words "(except sub-paragraph (*b*)(ii))" shall be deleted, for the words "the trailer" there shall be substituted the words "a trailer" and after the words "1983 or" in the proviso there shall be inserted the word "which".

(2) In paragraph (2), the words "(*b*) and (*c*)" shall be deleted.

(3) In paragraph (3A)(**3**), the words "(*b*) and (*c*)" shall be deleted, for "(7)" there shall be substituted "(7A)", and after the words "1992 or" in the first place where they appear there shall be inserted the word "which,".

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

"(3B) Save as provided in paragraphs (4), (5)(*b*) and (*c*), (6) and (7), the braking system of every wheeled vehicle of a class specified in an item in column 2 of the Table which, in

(**1**) S.I. 1995/2994 (N.I. 18)
(**2**) S.R. 1989 No. 299; relevant amending regulations are S.R. 1992 No. 111, S.R. 1992 No. 373, S.R. 1992 No. 509, S.R. 1994 No. 452 and S.R. 1995 No. 94
(**3**) Paragraph (3A) was inserted by S.R. 1992 No. 111, regulation 4(4)

the case of a motor vehicle, is first used on or after 1st May 1997 or which, in the case of a trailer, is manufactured on or after that date, shall comply with the construction, fitting and performance requirements specified in Annexes I, II, and VII to Community Directive 91/422(**4**), and if relevant, Annexes III, IV, V, VI, VIII, X, XI and XII to that Directive, in relation to the category of vehicles specified in that item in column 3.

Provided that it shall be lawful for any vehicle of such a class which, in the case of a motor vehicle, was first used before 1st May 1997 or which, in the case of a trailer, was manufactured before that date to comply with the said requirements instead of complying with paragraph (1), (2) or (3A) or with regulations 14 and 15.".

(5) In Item 1 of the Table, for the words "and adapted" there shall be substituted the words "or adapted".

(6) In paragraph (4), for "and (3A)" there shall be substituted ", (3A) and (3B)".

(7) In paragraph (5)—

(a) for "and (3A)" there shall be substituted ", (3A) and (3B)";

(b) in sub-paragraph (*a*)(**5**) for "and 88/194" there shall be substituted ", 88/194 or 91/422";

(c) for paragraph (*b*), there shall be substituted the following paragraph—

"(b) in items 2 and 3—

(i) the requirements specified in paragraph 1.1.4.2 of Annex II to Community Directive 79/489, 85/647, 88/194 or 91/422 shall not apply in relation to any vehicle first used before 1st May 1998;

(ii) those requirements shall not apply in relation to any relevant bus first used on or after that date; and

(iii) sub-note (2) to paragraph 1.17.2 of Annex I to Community Directive 85/647, 88/194, or 91/422 shall not apply in relation to any vehicle,

and for the purposes of this sub-paragraph "relevant bus" means a bus that is not a coach;";

(d) in sub-paragraph (*d*)(**6**), after the words "the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations (Northern Ireland) 1990" there shall be inserted the words ", or the corresponding fee prescribed under any corresponding previous enactment" and for the words "belongs complies" there shall be substituted the words "belonged complied".

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

"(6A) No motor vehicle to which paragraph (3B) applies and which is first used on or after 1st May 1998 shall be fitted with an integrated retarder unless either—

(a) the motor vehicle is fitted with an anti-lock device which acts on the retarder and which complies with the requirements specified in Annex X of Community Directive 91/422; or

(b) the retarder is fitted with a cut-out device which allows the combined control to apply the service braking system alone and which can be operated by the driver from the driving seat;

and expressions (other than the word "vehicle") used in this paragraph which are also used in Annex I to Community Directive 85/647 shall, for the purposes of this paragraph, have the same meanings as in that Annex save that "retarder" shall not in any circumstances include a regenerative braking system.".

(**4**) "Community Directive" is defined in regulation 3(2) of, and Table 1 of Schedule 1 to, the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989. Table 1 of Schedule 1 is amended by regulation 9 of these Regulations

(**5**) Sub-paragraph (*a*) was substituted by S.R. 1992 No. 111, regulation 4(7)

(**6**) Sub-paragraph (*d*) was amended by S.R. 1992 No. 111, regulation 4(7)

(9) In paragraph (7B)(**7**), after "(3A)" there shall be inserted "or (3B)".

(10) In paragraph (9)(**8**), for "or 88/194" there shall be substituted the words ", 88/194 or 91/422".

**Amendments to regulation 14 (braking systems of vehicles to which regulation 13 does not apply)**

**3.** Regulation 14 of the principal Regulations shall be amended as follows—

(1) In paragraph (2)(**9**), for "or (3A)" there shall be substituted "(3A) or (3B)" and for "or 88/194" there shall be substituted "88/194 or 91/422".

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

"(6A) Paragraph (5A) does not apply to—

(a) a vehicle with a maximum speed not exceeding 25 km/h; or

(b) a vehicle fitted for an invalid driver.".

**Amendments to regulation 15 (vacuum or pressure brake warning devices)**

**4.** In Regulation 15 of the principal Regulations, in paragraph 2(*a*)(**10**), for "or (3A)" there shall be substituted, "(3A) or (3B)" and for "or 88/194" there shall be substituted ", 88/194 or 91/422".

**Amendments to regulation 16 (maintenance and efficiency of brakes)**

**5.** Regulation 16 of the principal Regulations shall be amended as follows—

(1) In paragraph (2), the word "and" immediately after sub-paragraph (*b*) shall be omitted and after sub-paragraph (*c*) there shall be inserted—

"and

(d) an industrial tractor.".

(2) In Table 1—

(a) in item 1(**11**), for "or 88/194" there shall be substituted ", 88/194 or 91/422"; and

(b) in item 3, after the words "Goods vehicles" there shall be inserted the words "and buses (in each case)".

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

"(4A) A bus shall be deemed not to comply with the requirements of paragraph (3) unless it is capable of complying with those requirements both at its laden weight for the time being and at its relevant weight.

(4B) For the purposes of paragraph (4A), the relevant weight,—

(a) in relation to a bus first used on or after 1st April 1982, is its maximum gross weight; and

(b) in relation to a bus first used before that date, is the weight specified in paragraph (4C).

(4C) The weight referred to in paragraph (4B)(*b*) is—

(**7**) Paragraph (7B) was inserted by S.R. 1992 No. 373, regulation 4(3)
(**8**) Paragraph (9) was amended by S.R. 1992 No. 111, regulation 4(9)
(**9**) Paragraph (2) was amended by S.R. 1992 No. 373, regulation 5(1)
(**10**) Paragraph (2)(*a*) was amended by S.R. 1992 No. 111, regulation 6(*b*)
(**11**) Item 1 was amended by S.R. 1992 No. 373, regulation 7(2)

$$X + 63.5\ (Y + Z)\ kg$$

where—

X is the unladen weight of that bus in kilograms;

Y is the number of passengers that the bus is constructed or adapted to carry seated in addition to the driver; and

Z is—

(a) in the case of a PSV which is not an articulated bus and has a standing capacity exceeding 8 persons, the standing capacity minus 8;

(b) in the case of a PSV which is an articulated bus, the standing capacity; or

(c) in any other case, nil.".

(4) In paragraph (8)(**12**), for "88/194" there shall be substituted ", 88/194 or 91/422".

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

"(9) In this regulation—

"PSV" means a public service vehicle within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(**13**);

"standing capacity", in relation to a PSV, means the number of persons that can be carried standing without an offence being committed under Article 62 of the Road Traffic (Northern Ireland) Order 1981.".

**Amendments to regulation 23 (tyre loads and speed ratings)**

**6.** Regulation 23(**14**) of the principal Regulations shall be amended as follows—

(1) In paragraph (1), for the words "paragraphs (3), (4) and (7A)" there shall be substituted the words "paragraphs (3), (4), (7A) and (7B)".

(2) In paragraph (7A)(**15**), after the words "shall not apply to" there shall be inserted the words "a tyre fitted to the axle of" and for the words "it" there shall be substituted the words "the vehicle".

(3) After the table in paragraph (7A) there shall be inserted the following paragraphs—

"(7B) Paragraph (7C) applies where a tyre fitted to the axle of a vehicle—

(a) bears a speed category symbol and load-capacity index, being marks that were moulded on to or into the tyre at the time that it was manufactured;

(b) is designed and manufactured so as to be capable of operating safely at the speed and load indicated by those marks; and

(c) is designed so as to be capable of being fitted to the axle of a vehicle of a class specified in item 1, 2, 3 or 4 in column 2 of Table III in paragraph 7A.

(7C) In the circumstances mentioned in paragraph (7B), paragraph (7) shall not apply to the tyre if—

(a) the vehicle is being driven or drawn at a speed that does not exceed the speed indicated by the speed category symbol or 50 mph (whichever is the less), and

(b) the load on the tyre does not exceed the load indicated by the load capacity index.".

(**12**) Paragraph (8) was amended by S.R. 1992 No. 111, regulation 6
(**13**) S.I. 1981/154 (N.I. 1), as amended by S.I. 1981/1117 (N.I. 24), Art. 3(1) and S.I. 1990/997 (N.I. 7) Art. 7 and Sch. 2
(**14**) Regulation 23 was substituted by S.R. 1992 No. 111, regulation 7
(**15**) Paragraph (7A) was inserted by S.R. 1992 No. 509, regulation 3(8)