STATUTORY RULES OF NORTHERN IRELAND

1997 No. 109

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Authorisation of Special Types) Order (Northern Ireland) 1997

Made - - - - 26th February 1997

Coming into operation 7th April 1997

The Department of the Environment, in exercise of the powers conferred on it by Article 60 of the Road Traffic (Northern Ireland) Order 1995(**1**) and of every other power enabling it in that behalf, hereby makes the following Order:

Part I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Motor Vehicles (Authorisation of Special Types) Order (Northern Ireland) 1997 and shall come into operation on 7th April 1997.

Interpretation

2.—(1) In this Order—

"abnormal indivisible load" means a load—

(a) which cannot without undue expense or risk of damage be divided into two or more loads for the purposes of carriage on roads, and

(b) which—

(i) owing to its dimensions, cannot be carried by a heavy motor car or trailer or a combination of heavy motor car and trailer complying in all respects with the requirements of the Construction and Use Regulations, or

(ii) owing to its weight, cannot be carried by a heavy motor car or trailer or combination of a heavy motor car and trailer having a total laden weight of not more than 38,000

(**1**) S.I. 1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "Department"

kilograms and complying in all respects with the requirements of the Construction and Use Regulations;

"agricultural motor vehicle", "agricultural trailer", "agricultural trailed appliance", "articulated vehicle", "engineering plant", "locomotive", "overall length", "overall width", "overhang", "registered", "semi-trailer", "straddle carrier", "track-laying" and "wheeled" have the same meanings assigned to those expressions in regulation 2(1) of the Construction and Use Regulations;

"axle" means any number of axles in line transversely;

"bank holiday" means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**2**);

"bridge authority" means the authority or person responsible for the maintenance of a bridge;

"Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**3**);

"controlled by a pedestrian" has the same meaning as in Article 6(2) of the Road Traffic (Northern Ireland) Order 1995;

"day" means any day except a bank holiday, Christmas Day, Good Friday, a Sunday or a Saturday;

"dual carriageway road" has the same meaning as in Part IV of the Schedule to the Motor Vehicles (Speed Limits) Regulations (Northern Ireland) 1989(**4**);

"hours of darkness" means the time between half an hour after sunset and half an hour before sunrise;

"motorway" has the same meaning as in regulation 1 of the Motorways Traffic Regulations (Northern Ireland) 1984(**5**);

"relevant axle spacing" has the same meaning as in regulation 75(1) of the Construction and Use Regulations;

"tractor" means a motor tractor.

(2) In this Order the following expressions shall be construed in accordance with all the provisions relating to those expressions which are contained in regulation 79 of the Construction and Use Regulations—

"combination of vehicles"

"distance between vehicles"

"forward projection"

"lateral projection"

"rearward projection"

"special appliance or apparatus".

Speed Limits

3. Nothing in this Order relating to the speed of vehicles shall be taken to authorise any speed which is in excess of any other speed limit imposed by or under any enactment.

(**2**) 1971 c. 80
(**3**) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1994 No. 353
(**4**) S.R. 1989 No. 203
(**5**) S.R. 1984 No. 160

Part II

Miscellaneous Vehicles

Track laying vehicles (including those used for launching lifeboats)

4. The Department authorises the use on roads of track laying motor vehicles and track laying trailers notwithstanding that such vehicles do not comply in all respects with the requirements of the Construction and Use Regulations subject to the following restrictions and conditions—

(a) (i) the vehicle shall be used only for the purpose of—

(A) demonstration, or

(B) enabling it to proceed to the nearest suitable railway station for conveyance to a port for shipment, or to proceed to a port for shipment from a place in the immediate vicinity of that port where suitable railway facilities are not available;

(ii) before the vehicle is so used the consent of the Department shall in each case be obtained in writing; and

(iii) the vehicle shall not be used for the carriage of goods or burden for hire or reward; or

(b) the vehicle shall be used only for drawing or in connection with the launching of lifeboats which are the property of the Royal National Lifeboat Institution.

Naval, military, air force and aviation vehicles

5. The Department authorises the use on roads of the vehicles specified in an item in column 1 of Schedule 1 notwithstanding that such vehicles do not comply in all respects with the requirements of the Construction and Use Regulations specified in column 2 in that item subject to the vehicles being the property of, or for the time being under the control of, the person specified in that item in column 3.

Grass cutting machines and hedge trimmers

6. The Department authorises the use on roads of motor vehicles constructed or adapted for use as grass cutters or hedge trimmers (not, in either case, being vehicles controlled by a pedestrian) notwithstanding that such vehicles do not comply with regulations 7 or 79 of the Construction and Use Regulations subject to the following conditions—

(a) all other relevant requirements of the Construction and Use Regulations are complied with;

(b) the overall width of the vehicle together with any equipment mounted on it except when it is actually cutting grass or trimming hedges does not exceed 2.55 metres; and

(c) except when the vehicle is actually engaged in such operations, all cutting or trimming blades which form part of the machinery fitted to or mounted on the vehicle are effectively guarded so that no danger is caused or is likely to be caused to any person.

7. The Department authorises the use on roads of trailers constructed or adapted for use as grass cutters or hedge trimmers notwithstanding that such trailers do not comply in all respects with such of the requirements of the Construction and Use Regulations as apply to trailers, subject to the following conditions—

(a) the requirements of regulation 25 of the Construction and Use Regulations, so far as it applies to trailers, shall be complied with;

(b) the unladen weight of the trailer shall not exceed—

(i) 1020 kilograms if drawn by a locomotive, a motor tractor or a heavy motor car, or

(ii) 815 kilograms in any other case;

(c) the overall width of the motor vehicle by which the trailer is drawn and, except when it is actually cutting grass or trimming hedges, the overall width of the trailer shall not exceed 2.6 metres;

(d) except where the trailer is actually engaged in such operations, where it is being drawn in such a manner that its longitudinal axis and that of the drawing vehicle are parallel but lie in different vertical planes, the width of road occupied by both vehicles shall not exceed 2.6 metres.

For the purposes of this paragraph, the said width shall be taken as a distance equivalent to the distance which, if both vehicles were treated as if they were one vehicle at a time when the one is drawing the other in the said manner, would fall to be measured as its overall width;

(e) except when the trailer is actually engaged in such operations, all cutting or trimming blades which form part of the machinery fitted to the trailer shall be effectively guarded so that no danger is caused or is likely to be caused to any person; and

(f) the trailer shall not be driven at a speed exceeding 20 miles per hour.

Pedestrian controlled road maintenance vehicles

8. The Department authorises the use on roads of motor vehicles constructed or adapted for the gritting of roads, the laying of road markings, the clearing of frost, snow or ice from roads or any other work of maintaining roads, being vehicles controlled by a pedestrian and not constructed or adapted for use or used for the carriage of a driver or passenger, notwithstanding that such vehicles do not comply in all respects with the requirements of regulations 14, 16, 21 and 63 of the Construction and Use Regulations subject to the following restrictions and conditions—

(a) all other relevant requirements of the Construction and Use Regulations shall be complied with;

(b) the weight of the vehicle whether laden or unladen, shall not exceed 410 kilograms; and

(c) the vehicle shall be equipped with an efficient braking system capable of being set or with sufficient other means, not being a braking system, whereby it can be brought to a standstill and held stationary.

Vehicles used for experiments or trials

9. The Department authorises the use on roads of vehicles in or in connection with the conduct of experiments or trials under Article 7 of the Roads (Northern Ireland) Order 1993(**6**) notwithstanding that such vehicles do not comply in all respects with the requirements of the Construction and Use Regulations.

Straddle carriers

10. The Department authorises the use on roads of straddle carriers notwithstanding that such vehicles do not comply in all respects with the requirements of regulations 7, 10, 14, 16 (except paragraph (1)), 20 and 68 of the Construction and Use Regulations, subject to the following restrictions and conditions—

(a) subject to paragraph (*b*), the vehicle shall not be used otherwise than for the purpose of demonstration or in the course of delivery on sale or when proceeding to or returning from a manufacturer or repairer for the purpose of repair or overhaul and, when so used, shall carry no load other than its necessary gear or equipment;

(**6**) S.I. 1993/3160 (N.I. 15)

(b) any vehicle which does not comply with the said regulation 10 may, if it complies with the said regulation 7 and 20, be used whether laden or unladen in passing from one part of any private premises to any other part thereof or to other private premises in the immediate neighbourhood;

(c) the vehicle shall not travel at a speed exceeding 12 miles per hour;

(d) the overall width of the vehicle shall not exceed 2.9 metres;

(e) the vehicle shall not be used if the overall length of the vehicle or, where the vehicle is carrying a load, if the overall length of the vehicle together with the length of its load exceeds 9.2 metres except with the consent of the Chief Constable;

(f) save in so far as the Chief Constable dispenses with any of the requirements contained in this paragraph, the user of the vehicle shall, not less than two clear days before such use, apply to the Chief Constable for consent to the use of the vehicle, and shall, when making the application, furnish to him particulars of the vehicle concerned, of its overall length, of the length of any forward projection or rearward projection of any load proposed to be carried, and of the roads on which it is proposed that the vehicle will be used; and

(g) all the relevant requirements of the Construction and Use Regulations other than those specified in this Article shall be complied with.

Agricultural motor vehicles, agricultural trailers and agricultural trailed appliances

11.—(1) Subject to the provisions of paragraph (2), and notwithstanding that such vehicles do not comply with the requirements of regulation 7 of the Construction and Use Regulations, the Department authorises the use on roads of—

(a) an agricultural motor vehicle;

(b) an agricultural trailer designed to perform functions, other than the carriage of goods, that necessitate an overall width of 2.55 metres being exceeded; or

(c) an agricultural trailed appliance,

if the relevant conditions specified in Schedule 2 are complied with.

(2) The authorisation specified in paragraph (1) applies only in so far as the width of a vehicle (including an agricultural implement which by virtue of Article 13 is treated as part of the vehicle) cannot, without undue expense or risk of damage, be reduced.

Agricultural motor vehicle towing an off-set agricultural trailer or trailed appliance

12.—(1) The Department authorises the use on roads, notwithstanding that such vehicles do not comply with the requirements of regulation 7 of the Construction and Use Regulations, of an agricultural motor vehicle towing an agricultural trailer or agricultural trailed appliance in such a manner that the longitudinal axis of the motor vehicle and the longitudinal axis of the trailer are parallel but lie in different vertical planes and the width specified in paragraph (2) exceeds 2.55 metres provided the relevant conditions specified in Schedule 2 are complied with.

(2) The width referred to in paragraph (1) is the distance equivalent to the distance which, if both the agricultural motor vehicle and the agricultural trailer or agricultural trailed appliance (when being drawn by the agricultural motor vehicle) are treated as one vehicle, would fall to be measured as its overall width.

Provisions supplementary to Articles 11 and 12

13. For the purposes of Articles 11 and 12 and Schedule 2, an agricultural implement rigidly mounted on an agricultural motor vehicle, an agricultural trailer or an agricultural trailed appliance shall be treated as part of that vehicle, trailer or appliance whether or not—