STATUTORY RULES OF NORTHERN IRELAND

1996 No. 275

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1996

Made - - - - 2nd July 1996
Coming into operation in accordance with regulation 1(1)

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) 1996 and shall come into operation as follows—

(a) all regulations except regulation 5 on 1st September 1996; and

(b) regulation 5 on 1st September 1997.

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

Amendments relating to height

2. In regulation 8 of the principal Regulations, paragraphs (2), (2A)(**3**), (3) and (4) shall be omitted.

Amendments relating to diameter of wheels, power to weight ratio and noise limits

3. Regulations 19, 45 and 60 of the principal Regulations shall be omitted.

(**1**) S.I. 1995 No. 2994 (N.I. 18)
(**2**) S.R. 1989 No. 299; relevant amending regulations are S.R. 1991 No. 147, S.R. 1992 No. 111, S.R. 1994 No. 353 and S.R. 1995 No. 94
(**3**) Paragraph (2A) was inserted by S.R. 1994 No. 353

Consequential amendments

4.—(1) In regulation 3(4) of the principal Regulations, in items 2, 3 and 4 of the table, the expression "8(2)," shall be omitted.

(2) For the heading "Exceptions to regulations 57 to 60" immediately preceding regulation 61 there shall be substituted "Exceptions to regulations 57 to 59B".

(3) In regulation 61, for "59A, 59B(**4**) and 60" there shall be substituted "59A and 59B".

New regulation 48A (requirement for minibuses and coaches to be fitted with additional seatbelts when used in certain circumstances)

5. After regulation 48, there shall be inserted the following—

"**Minibuses and coaches to be fitted with additional seat belts when used in certain circumstances**

48A.—(1) No person shall use or cause or permit to be used on a road a coach or minibus wholly or mainly for the purpose of carrying a group of 3 or more children in the following circumstances unless the appropriate number of forward-facing passenger seats fitted to the vehicle meet the requirements of this regulation.

(2) The circumstances are that—

(a) the group of children are on an organised trip; and

(b) the journey is being made for the purposes of the trip.

(3) In paragraph (1), the reference to the appropriate number is a reference to the number of children being carried in the vehicle (excluding disabled children in wheelchairs).

(4) Without prejudice to the generality of paragraph (2)(*a*), a group of children shall, for the purposes of this regulation, be regarded as being on an organised trip if they are being carried to or from their school or from one part of their school premises to another.

(5) Without prejudice to the generality of paragraph (2)(*b*), paragraph (1) shall not apply to a vehicle if it is being used in the provision of a bus service of a description specified in Schedule 11A or if it is otherwise being used wholly or mainly for the purpose of providing a transport service for the general public.

(6) For a forward-facing passenger seat to meet the requirements of this regulation it must be fitted with a seat belt, and—

(a) if paragraph (4) of regulation 47 does not (in whole or part) apply to the seat belt and the seat belt was first fitted after 1st September 1997, the seat belt must comply with that paragraph to the extent (if any) that it would have to so comply were—

(i) that regulation to apply to all motor vehicles, and

(ii) there substituted for the words "provided" to "or (*e*)", in that paragraph, the words "provided for any person in a vehicle to which this regulation applies";

(b) if paragraph (6) of regulation 47 does not apply to the seat belt and the seat belt is a seat belt for an adult (not being a disabled person's belt) that was first fitted to the vehicle after 1st September 1997, the seat belt must comply with the requirements specified in paragraph (7);

(**4**) Regulations 59A and 59B were inserted by S.R. 1995 No. 94

(c) if paragraph (6) of regulation 47 does not apply to the seat belt and the seat belt is a child restraint that was first fitted to the vehicle after 1st September 1997, the seat belt must be properly secured to anchorages supplied for it;

(d) if paragraph (6) of regulation 47 does not apply to the seat belt and the seat belt is a disabled person's belt that was first fitted after 1st September 1997, the seat belt must be properly secured to the vehicle or to the seat which is being occupied by the person wearing the belt;

(e) if regulation 47 does not apply to the vehicle and the seat belt was first fitted to the vehicle after 1st September 1997, the seat belt must comply with paragraph (8) of that regulation to the extent (if any) that it would have to so comply were that regulation to apply to all motor vehicles; and

(f) if regulation 48 does not apply to the seat belt and the seat belt was first fitted to the vehicle after 1st September 1997, the requirements of paragraph (4) of that regulation must be met in relation to the anchorages, fastenings, adjusting device and retracting mechanism (if any) of the seat belt to the extent (if any) that those requirements would have to be met were that paragraph to apply to all anchorages, fastenings, adjusting devices and retracting mechanisms of seat belts fitted to motor vehicles,

and paragraph (2) of regulation 48 shall apply for the purposes of sub-paragraph (*f*) as it applies for the purposes of that regulation.

(7) The requirements referred to in paragraph (6)(*b*) are that the seat belt must be properly secured to the anchorage points provided for it and, in a case where any of those anchorage points is first fitted to the vehicle after 1st September 1997 the anchorage points to which it is secured must comply—

(a) if the vehicle is a coach, with the requirements specified in regulation 46(4)(*b*) or (5)(*b*)(ii); or

(b) in any other case, with the requirements specified in regulation 46(4)(*b*).

(8) Until 1st September 1998, this regulation shall not apply to a coach first used before 1st October 1990.

(9) In this regulation—

"school" has the same meaning as in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(**5**);

"forward-facing passenger seat" means a forward-facing seat which is not the driver's seat; and

"child-restraint", "disabled person's belt", "forward-facing seat", "seat" and "seat belt" have the same meanings assigned to those expressions in regulation 47.

(10) For the purpose of this regulation, a child is a person who is aged 3 years or more but is under the age of 16 years.".

New Schedule 11A (Bus services specified for the purposes of regulation 48A(5))

6. After Schedule 11 to the principal Regulations there shall be inserted the Schedule set out in the Schedule to these Regulations.

(**5**) S.I.1986/594 (N.I. 3)