1995 No. 38

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Type Approval) (Amendment) Regulations (Northern Ireland) 1995

Made . . . . . 16th February 1995

Coming into operation . . 1st April 1995

The Department of the Environment, in exercise of the powers conferred on it by Articles 31A(1), 31D(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) 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 (Type Approval) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 1st April 1995.

(2) In these Regulations "the principal Regulations" means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(**b**).

Amendment to regulation 2 (general interpretation)

2. In regulation 2 of the principal Regulations, for the definition of "the type approval requirements" there shall be substituted—

" "the type approval requirements" means the requirements with respect to the design, construction, equipment or marking of vehicles or vehicle parts which—

(*a*) relate to the items numbered in column (1) and listed in column (2) of Part I of Schedule 1; and

(*b*) are contained in regulations, other documents, or Parts of that Schedule, and consist of the requirements, specified against each such item in column (3) of Part I of that Schedule (subject to such modifications and additions as are set out in Part I of that Schedule);".

Amendment as to low volume type approval

3. After regulation 2A(**c**) of the principal Regulations there shall be inserted the following regulation—

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"; Articles 31A and 31D were inserted by S.I. 1985/755 (N.I. 6) Article 3

(**b**) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1987 No. 389, 1988 No. 405, 1990 No. 84, 1990 No. 312, 1992 No. 86 and 1992 No. 508

(**c**) Regulation 2A was inserted by S.R. 1992 No. 86, reg. 2(3)

"Interpretation of "low volume type approval vehicle"

2B—(1) For the purposes of these Regulations a vehicle ("the vehicle in question") is a low volume type approval vehicle at a particular time if—

(*a*) since the 31st December immediately preceding that time less than 500 Department's approval certificates have been issued with respect to vehicles of the relevant class; and

(*b*) no type approval certificate has been issued with respect to a vehicle of the relevant class.

(2) Notwithstanding anything in paragraph (1) a vehicle shall be deemed to be a low volume type approval vehicle for the purposes of these Regulations if a Department's approval certificate in the form set out in Part III of Schedule 4 has been issued with respect to it.

(3) For the purposes of this regulation, a vehicle is a vehicle of the relevant class if it is not the vehicle in question, but is a vehicle—

(*a*) of the same or similar model; and

(*b*) manufactured by the same manufacturer;

as the vehicle in question.

(4) For the purposes of this regulation only, two or more vehicles manufactured by different bodies corporate shall be regarded as having been manufactured by the same manufacturer if at the date when the last of those vehicles was manufactured the bodies were interconnected within the meaning given by section 137(5) of the Fair Trading Act 1973(**a**).".

Amendments to regulation 4 (type approval requirements — application)

4. Regulation 4 of the principal Regulations shall be amended as follows—

(1) Before the words "Schedule 1" wherever they occur, there shall be inserted the words "Part I of".

(2) In paragraph (1A)(**b**), for "not being of a description specified in column (4) of item 4G of Part I of Schedule 1" there shall be substituted ", other than a vehicle with fewer than 4 wheels or fuelled solely by liquid petroleum gas".

(3) In paragraph (3A)(**c**), for "4E and 4F" there shall be substituted "4E, 4F and 4G".

(4) Paragraph (5) shall be omitted.

(5) In paragraph (11)(**d**), for "4F and 27" there shall be substituted "4F, 4G and 27".

(**a**) 1973 c. 41
(**b**) Paragraph 1A was inserted by S.R. 1992 No. 508, reg. 2(2)(*b*)
(**c**) Paragraph 3A was inserted by S.R. 1992 No. 508, reg. 2(2)(*d*)
(**d**) Paragraph (11) was inserted by S.R. 1990 No. 84, reg. 2(1) and amended by S.R. 1992 No. 508, reg. 2(2)(*f*)

Amendments to regulation 9 (forms of certificates)

5. Regulation 9 of the principal Regulations shall be amended as follows—

(1) At the beginning of paragraph (2), there shall be inserted the words "Subject to paragraphs (4) and (5),".

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

"(4) Where the Department is satisfied that a vehicle complies with the relevant type approval requirements on the basis that it is a low volume type approval vehicle and is not satisfied that it would otherwise so comply, a Department's approval certificate issued in respect of that vehicle shall be in the form set out in Part III of Schedule 4.

(5) Where the applicant applies for a Department's approval certificate for a vehicle on the basis that it is a low volume type approval vehicle the certificate shall be in the form set out in Part III of Schedule 4.".

Amendments to Schedule 1

6. Schedule 1 to the principal Regulations shall be amended as follows—

(1) Before the heading "TYPE APPROVAL REQUIREMENTS" at the beginning of the Schedule there shall be inserted the heading "PART I" and, accordingly, the Table in the Schedule shall have effect as Part I of the Schedule.

(2) In Part I—

(*a*) for item 4G(**a**), there shall be substituted item 4G in Schedule 1;

(*b*) for item 4H(**a**) there shall be substituted item 4H in Schedule 1;

(*c*) after item 4J(**a**) there shall be inserted item 4K in Schedule 1;

(*d*) after item 10B(**b**), there shall be inserted item 10C in Schedule 1;

(*e*) in item 13E(**c**), in column (6), in relation to ECE Regulation 13 as revised, amended and corrected up to 26th November 1984 and in relation to ECE Regulation 13 as revised, amended and corrected up to 29th July 1988, there shall be inserted "31.3.1995";

(*f*) for items 13F(**c**) and 13G(**c**) there shall be substituted items 13F and 13G in Schedule 1;

(*g*) for item 14E(**d**) there shall be substituted item 14E in Schedule 1;

(*h*) after item 14E there shall be inserted items 14F and 14G in Schedule 1;

(*i*) for item 16(**e**) there shall be substituted item 16 in Schedule 1;

(*j*) after item 16 there shall be inserted item 16A in Schedule 1;

(**a**) Items 4G, 4H and 4J were inserted by S.R. 1992 No. 508, reg. 2(3)(*c*) and Schedule 1
(**b**) Item 10B was inserted by S.R. 1987 No. 389, reg. 2(4)(*h*) and Schedule
(**c**) Items 13E, 13F and 13G were inserted by S.R. 1987 No. 389, reg. 2(4)(*k*)(ii) and Schedule and substituted by S.R. 1992 No. 86, reg. 2(4)
(**d**) Item 14E was inserted by S.R. 1987 No. 389, reg. 2(4)(*l*)(ii) and Schedule
(**e**) Item 16 was amended by S.R. 1987 No. 389, reg. 2(4)(*n*)

(*k*) after item 18A there shall be inserted item 18B in Schedule 1;

(*l*) after item 22 there shall be inserted item 22A in Schedule 1; and

(*m*) after item 23 there shall be inserted item 23A in Schedule 1.

(3) After the Table there shall be inserted the provisions set out in Schedule 2 to these Regulations.

(4) In this regulation a reference to Schedule 1 means Schedule 1 to these Regulations.

7. In Schedules 1A, 1B and 3 to the principal Regulations, before the words "Schedule 1", wherever they occur, there shall be inserted the words "Part I of".

Amendments to Schedule 1B

8. Schedule 1B(**a**) to the principal Regulations shall be amended as follows—

(1) In Part I—

(*a*) for paragraph 1 there shall be substituted the following paragraph—

"**1.** This Part of this Schedule has effect subject to Parts III and IV of this Schedule."; and

(*b*) in paragraph 2(**b**), after "4F" there shall be inserted "4G".

(2) In Part II(**c**), after the entry relating to item 4F in Part I of Schedule 1, there shall be inserted the following entry—

"4G All vehicles 31.12.92 31.12.92 31.3.95 30.9.95".

(3) After Part III(**d**), there shall be added the provisions set out in Schedule 3 to these Regulations.

Amendment to Schedule 4

9. In Schedule 4 to the principal Regulations, after Part II there shall be inserted the provisions set out in Schedule 4 to these Regulations.

Revocation

10. The Motor Vehicles (Type Approval) (Amendment No. 2) Regulations (Northern Ireland) 1990(**e**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 16th February 1995.

(L.S.) *Trevor Pearson*
Assistant Secretary

(**a**) Schedule 1B was inserted by S.R. 1990 No. 84, reg. 2(4)
(**b**) Paragraph 2 was amended by S.R. 1992 No. 508, reg. 2(4)(*b*)
(**c**) Part II was substituted by S.R. 1992 No. 508, reg. 2(5) and Schedule 2
(**d**) Part III was inserted by S.R. 1992 No. 508, reg. 2(6) and Schedule 3
(**e**) S.R. 1990 No. 312

SCHEDULE 1

Regulation 6(2)

(1) *Item No.*	(2) *Subject Matter*	(3) *Particulars of instrument or other document containing requirements and of the nature of the requirement*			(4) *Vehicles exempted from requirements*	(5) *Date of application*	(6) *Date of cessation of application*
		(a) Description, reference number and date of instrument	*(b) Official Journal reference of Community Instrument*	*(c) Nature of requirement and place in instrument where stated*			
4G	Exhaust emissions	Council Directive 70/220/EEC of 20th March 1970 as amended by Council Directive 74/290/EEC of 28th May 1974, Commission Directive 77/102/EEC of 30th November 1976, Commission Directive 78/665/EEC of 14th July 1978, Council Directive 83/351/EEC of 16th June 1983, Council Directive 88/76/	L76, 6.4.70, p. 1 (SE 1970(I) p. 171), L159, 15.6.74, p. 61, L32, 3.2.77, p. 32, L223, 14.8.78, p. 48, L197, 20.7.83, p. 1, L36, 9.2.88, p. 1, L214, 6.8.88, p. 1, L226, 3.8.89, p. 1, L238, 15.8.89, p. 43, and L242, 30.8.91, p. 1.	Design, construction and equipment requirements in Annex I, paragraph 6 and either:— (*a*) as modified by paragraph 8.1 applies and paragraph 5 in the case of any other vehicle; or	1. Vehicles propelled by compression ignition engines and whose maximum gross weight exceeds 3500kg. 2. Vehicles fuelled by liquid petroleum gas.	31.12.1992	See regulation 4(11) and Schedule 1B