1994 No. 452

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 1994

Made . . . . . *18th November 1994*

Coming into operation . . *1st January 1995*

The Department of the Environment, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation of the construction and equipment of vehicles and of components of vehicles, in exercise of the powers conferred on it by that section and Articles 28(1), 214(1), and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**c**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 1994 and shall come into operation on 1st January 1995.

Interpretation

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

(2) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 2 (interpretation)

3. In regulation 2(2) of the principal Regulations at the appropriate place insert the following definition—

" "EEA State" means a state which is a contracting party to the EEA Agreement but, until the EEA Agreement comes into force in relation to Liechtenstein, does not include the State of Liechtenstein and "EEA Agreement" means the Agreement on the European Economic

---

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) S.I. 1981/154 (N.I. 1). *See* definition of "Department" in Article 2(2)
(**d**) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1993 No. 247
(**e**) 1954 c. 33 (N.I.)

Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993''(**a**).

Speed limiters

4.—(1) After regulation 34, insert the regulations set out in Part I of the Schedule.

(2) After regulation 71, insert the regulations set out in Part II of the Schedule.

(3) In Schedule 1 to the principal Regulations, after item 66(**b**) of Table I insert

''66A	92/24	31/3/92	L129, 14.5.92, p154	Speed limitation devices or similar speed limitation on-board certain categories of motor vehicles	—	— ,,

(4) After Schedule 2 to the principal Regulations insert the Schedule set out in Part III of the Schedule to these Regulations.

Sealed with the Official Seal of the Department of the Environment on 18th November 1994.

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

(**a**) Cm 2073 and 2183
(**b**) Item 66 was inserted by S.R. 1993 No. 247, reg. 7(1)

SCHEDULE Regulation 3

Regulations Inserted after Regulations 34 and 71 of the Principal Regulations

PART I

34A.—(1) This regulation applies to every bus and coach which—

(*a*) has a maximum gross weight exceeding 10 tonnes;

(*b*) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 65 mph;

(*c*) was first used on or after 1st January 1988; and

(*d*) is not used exclusively for transport operations within the United Kingdom.

(2) From 1st January 1996 this regulation shall apply to every bus and coach which—

(*a*) has a maximum gross weight exceeding 10 tonnes;

(*b*) has, or if a speed limiter were not fitted, would have a maximum speed exceeding 65 mph;

(*c*) was first used on or after 1st January 1988; and

(*d*) is used exclusively for transport operations within the United Kingdom.

(3) Every vehicle to which this regulation applies shall be fitted with a speed limiter which must—

(*a*) be sealed by an authorised sealer in such a manner as to protect the limiter against any improper interference or adjustment and against any interference of its power supply;

(*b*) be maintained in good and efficient working order; and

(*c*) be so adjusted that the stabilised speed of the vehicle does not exceed 65 mph.

(4) A speed limiter fitted before 1st October 1994 to a vehicle to which this regulation applies must comply with—

(*a*) Part 1 of the British Standard; or

(*b*) the Annexes to Community Directive 92/24(**a**).

(5) A speed limiter fitted on or after 1st October 1994 to a vehicle to which this regulation applies must comply with the Annexes to Community Directive 92/24.

(6) This regulation does not apply to a vehicle—

(*a*) being taken to a place where a speed limiter is to be installed, calibrated, repaired or replaced; or

(*b*) completing a journey in the course of which the speed limiter has accidentally ceased to function.

(7) Paragraph 3(*a*) shall have effect in relation to—

(*a*) a speed limiter fitted before 1st January 1995 to a vehicle first used before that date; or

(*b*) a speed limiter sealed outside the United Kingdom,

as if the words "by an authorised sealer" were omitted.

(8) Paragraph 4 does not apply to a speed limiter fitted to a vehicle if the speed limiter complies with an equivalent standard.

(**a**) "Community Directive" is defined in reg. 2(2) and table 1 of Schedule 1 to the principal Regulations. A relevant amendment to Schedule 1 is made by reg. 4(3) of these Regulations

(9) In this regulation—

"authorised sealer" means a person authorised by the Department in accordance with Schedule 2A of these Regulations, or by the Secretary of State for Transport in accordance with Schedule 3B of the Road Vehicles (Construction and Use) Regulations 1986(**a**).

"equivalent standard" means—

(1) a standard or code of practice of a national standards body or equivalent body of any EEA State; or

(2) any international standard recognised for use as a standard by any EEA State; or

(3) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides, in relation to speed limiters, a level of speed control equivalent to that provided by Part 1 of the British Standard;

"Part 1 of the British Standard" means the British Standard for Maximum Road Speed Limiters for Motor Vehicles which was published by the British Standards Institution under the number BSAU 217: Part 1: 1987 and which came into effect on 28th May 1987;

"speed limiter" means a device whose primary function is to control the fuel feed to the engine in order to limit the vehicle speed to the specified value; and

"stabilised speed" means the mean speed of a vehicle when its speed is under the control of a speed limiter and stable speed control has been achieved.

34B.—(1) This regulation applies to every goods vehicle which—

(*a*) has a maximum gross weight exceeding 12 tonnes;

(*b*) is first used on or after 1st January 1988;

(*c*) has, or if a speed limiter were not fitted would have, a relevant speed exceeding 56 mph; and

(*d*) is not used exclusively for transport operations within the United Kingdom.

(2) From 1st January 1996, this regulation applies to every goods vehicle which—

(*a*) has a maximum gross weight exceeding 12 tonnes;

(*b*) has, or if a speed limiter were not fitted, would have, a relevant speed exceeding 56 mph;

(*c*) is first used on or after 1st January 1988; and

(*d*) is used exclusively for transport operations within the United Kingdom.

(3) Every vehicle to which this regulation applies shall be fitted with a speed limiter which must—

(*a*) be sealed in such a manner by an authorised sealer as to protect the limiter against any improper interference or adjustment and against any interference of its power supply;

(*b*) be maintained in good and efficient working order; and

(*c*) be so adjusted so that the stabilised speed of the vehicle does not exceed 56 mph.

(**a**) S.I. 1986/1078; relevant amending instruments are 1988/271 and 1524, 1991/1527 and 1992/422