1994 No. 353

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 1994

Made . . . . . 14th September 1994

Coming into operation . . 1st November 1994

The Department of the Environment, in exercise of the powers conferred on it by Articles 28(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and of all other powers 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 No. 2) Regulations (Northern Ireland) 1994 and shall come into operation on 1st November 1994.

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

Amendments to regulation 2 (interpretation)

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

(1) In paragraph (1), after the definition of "coach" there shall be inserted the following definition—

" "combined transport operation" shall be construed in accordance with paragraph 9 of Schedule 9A;".

(2) In paragraph (9), for "Schedule 9" there shall be substituted "Schedules 9 and 9A".

Amendments to regulation 8 (height)

3. Regulation 8 of the principal Regulations shall be amended as follows—

(1) In paragraph (2)(*b*), for "32,520kg" there shall be substituted "35,000kg".

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

"(2A) Save as provided by paragraph (3), no person shall use or cause or permit to be used on a road a motor vehicle drawing a trailer (other than a semi-trailer) if—

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"

(**b**) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1992 No. 111 and S.R. 1992 No. 509

(*a*) any part of the structure of any of the vehicles in the combination is more than 4.2m from the ground when the vehicles are on level ground; and

(*b*) the total laden weight of the combination exceeds 35,000kg.''.

(3) In paragraphs (3) and (4) for the words ''paragraph (2)'' in both places where they occur, there shall be substituted the words ''paragraphs (2) and (2A)''.

Amendments to regulation 74 (maximum permitted laden weight of a vehicle and trailer, other than an articulated vehicle)

4. Regulation 74 of the principal Regulations shall be amended as follows—

(1) After paragraph (1), there shall be inserted the following paragraph—

''(1A) This regulation is subject to Schedule 9A (exemptions relating to combined transport operations).''

(2) For items 1, 1A and 1B in the Table there shall be substituted the following items—

''1	A wheeled trailer which is drawn by a wheeled motor tractor, heavy motor car or motor car (not being in any case an agricultural motor vehicle), where— (*a*) the combination has a total of 4 or more axles and is being used for international transport; and (*b*) the drawing vehicle is a vehicle which was first used on or after 1st April 1973 and complies with the relevant braking requirement.	35,000
1A	A wheeled trailer which is drawn by a wheeled motor tractor, heavy motor car or motor car (not being in any case an agricultural motor vehicle), where the combination has a total of 4 axles and the following conditions are satisfied in relation to the drawing vehicle, namely— (*a*) it was first used on or after 1st April 1973; (*b*) it complies with the relevant braking requirement; (*c*) every driving axle not being a steering axle is fitted with twin tyres; and (*d*) every driving axle is fitted with road friendly suspension.	35,000
1AA	A wheeled trailer which is drawn by a wheeled motor tractor, heavy motor car or motor car (not being in any case an agricultural motor vehicle), where the	

	combination has a total of 5 or more axles and the following conditions are satisfied in relation to the drawing vehicle, namely— (*a*) it was first used on or after 1st April 1973; (*b*) it complies with the relevant braking requirement; (*c*) every driving axle not being a steering axle is fitted with twin tyres; and (*d*) either every driving axle is fitted with road friendly suspension or no axle has an axle weight exceeding 8,500 kg.	38,000
1B	A wheeled trailer, not being part of a combination described in items 1, 1A or 1AA, which is drawn by a wheeled motor tractor, heavy motor car or motor car (not being in any case an agricultural motor vehicle), where— (*a*) the trailer is fitted with power-assisted brakes which can be operated by the driver of the drawing vehicle and are not rendered ineffective by the non-rotation of its engine; and (*b*) the drawing vehicle is equipped with a warning device so placed as to be readily visible to the driver of the vehicle and which is capable of indicating any impending failure of, or deficiency in, the vacuum or pressure system.	32,520''

(3) In item 3 of the Table, after ''1A,'' there shall be inserted ''1AA,''.

Amendments to regulation 75 (maximum permitted laden weight of an articulated vehicle)

5. Regulation 75 of the principal Regulations shall be amended as follows—

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

''(2A) This regulation is subject to Schedule 9A (exemptions relating to combined transport operations).''.

(2) In paragraph (*a*) of column 3 of item 1 in the Table, the words from ''provided'' to ''those items'' shall be omitted.

Amendments to regulation 78 (over-riding weight restrictions)

6. Regulation 78 of the principal Regulations shall be amended as follows—

(1) In paragraph (3), at the beginning, insert the words "Subject to paragraph (4),".

(2) After paragraph (3) add the following paragraph—

"(4) Paragraph (3) shall not apply in respect of item 11 in Part I of Schedule 7 to a vehicle being used in a combined transport operation and the requirements set out in Part II or Part III, as the case may be, of Schedule 9A are fulfilled.".

Amendments to Schedule 7 (plates for certain vehicles)

7. In Part I of Schedule 7 to the principal Regulations—

(1) In items 9 and 10 for the words "Great Britain" substitute "United Kingdom"; and

(2) After item 10 add the following item—

"11. Maximum train weight in the United Kingdom(*d*).".

Amendments to Schedule 9 (maximum permitted weights, etc)

8. Schedule 9 to the principal Regulations shall be amended as follows—

(1) Column 4 of Part III shall be omitted.

(2) For the entry in column 2 of item 4 of Part IV, there shall be substituted the following entry—

"Motor vehicle and semi-trailer having a total of 4 or more axles and not described in items 1, 2 or 3.".

New Schedule 9A (exemptions relating to combined transport operations)

9. After Schedule 9 to the principal Regulations, there shall be inserted the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of the Environment on 14th September 1994.

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

SCHEDULE (see regulation 9)

"SCHEDULE 9A (regulations 74(1A), 75(2A) and 78(4))

Exemptions relating to combined transport operations

PART I

GENERAL

1. Regulation 74 does not apply to a wheeled heavy motor car drawing one wheeled trailer if the requirements set out in Part II of this Schedule are fulfilled.

2. Regulation 75 does not apply to an articulated vehicle if the requirements set out in Part III of this Schedule are fulfilled.

PART II

DRAWBAR COMBINATIONS

3.—(1) The drawing vehicle and trailer must each be carrying a relevant receptacle as part of a combined transport operation, each such receptacle being on a journey—

(*a*) to a railhead from which the relevant receptacle is, as part of the operation, to be transported in a relevant manner by railway pursuant to a relevant contract made before the journey began; or

(*b*) from a railhead to which the relevant receptacle has, as part of the operation, been transported in a relevant manner by railway.

(2) There must be carried in the cab of the drawing vehicle a document or documents—

(*a*) if the vehicle is on a journey to a railhead, specifying the railhead, the date the relevant contract was made and the parties thereto; and

(*b*) if the vehicle is on a journey from a railhead, specifying the railhead and the date and time at which the receptacles were collected from that railhead.

4. The following conditions must be satisfied in relation to the drawing vehicle, namely—

(*a*) it complies with the relevant braking requirement;

(*b*) every driving axle not being a steering axle is fitted with twin tyres; and

(*c*) either every driving axle is fitted with road friendly suspension or no axle has an axle weight exceeding 8,500 kg.

5.—(1) The motor vehicle and trailer must have a total of at least 6 axles.

(2) The total laden weight of the motor vehicle and trailer must not exceed 44,000 kg.