1993 No. 369

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Invalid Carriages) Regulations (Northern Ireland) 1993

Made	*25th August 1993*
Coming into operation . .	*1st October 1993*

The Department of the Environment, in exercise of the powers conferred on it by Articles 49(4)(*b*), 213 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Invalid Carriages) Regulations (Northern Ireland) 1993 and shall come into operation on 1st October 1993.

Interpretation

2. In these Regulations—

the ''1981 Order'' means the Road Traffic (Northern Ireland) Order 1981;

the ''1989 Regulations'' means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**b**);

''Class 1 invalid carriage'' means an invalid carriage which is not mechanically propelled;

''Class 2 invalid carriage'' means a mechanically propelled invalid carriage which is so constructed or adapted as to be incapable of exceeding a speed of 4 miles per hour on the level under its own power;

''Class 3 invalid carriage'' means a mechanically propelled invalid carriage which is so constructed or adapted as to be capable of exceeding a speed of 4 miles per hour but incapable of exceeding a speed of 8 miles per hour on the level under its own power;

''horn'' has the meaning assigned to it in regulation 35(10) of the 1989 Regulations;

''reversing alarm'' has the meaning assigned to it in regulation 35(10) of the 1989 Regulations; and

''two-tone horn'' has the meaning assigned to it in regulation 35(10) of the 1989 Regulations.

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of ''Department'' and ''prescribed''
(**b**) S.R. 1989 No. 299 to which there are amendments not relevant to these Regulations

Modification of statutory provisions under Article 213(1) of the 1981 Order

3. In accordance with the terms of Article 213(1) of the 1981 Order, an invalid carriage—

(*a*) shall not be subject to any statutory provision prohibiting or restricting the use of footways; and

(*b*) shall be treated for the purposes of the 1981 Order as not being a motor vehicle,

provided that the invalid carriage is being used in accordance with the conditions prescribed in regulations 4 and 5 and complies with the requirements prescribed in regulations 6 to 14.

Prescribed conditions for purposes of Article 213(1) of the 1981 Order

4. For the purposes of Article 213(1) of the 1981 Order the conditions in accordance with which an invalid carriage is being used are—

(*a*) in the case of Class 1, Class 2 and Class 3 invalid carriages that the invalid carriage is being used—

(i) by a person falling within a class of persons for whose use it was constructed or adapted, being a person suffering from some physical defect or physical disability;

(ii) by some other person for the purposes only of taking it to, or bringing it away from, any place where work of maintenance or repair is to be or has been carried out to it;

(iii) by a manufacturer for the purposes only of testing or demonstrating it;

(iv) for the purpose only of demonstration by a person offering to sell the invalid carriage; or

(v) by a person solely for giving practical training in its use;

(*b*) in the case of Class 1, Class 2 and Class 3 invalid carriages, that any horn fitted to the carriage must not be sounded in the circumstances set out in regulation 5;

(*c*) in the case of Class 3 invalid carriages—

(i) that the carriage is being used by a person who is aged 14 years or over;

(ii) that, when being used on a footway, the carriage is not driven at a speed greater than 4 miles per hour;

(iii) that when the carriage is being used on a footway the device fitted in accordance with regulation 10(1)(*a*) is operating; and

(iv) the speed indicator fitted to the carriage in accordance with regulation 10(1)(*b*) is operating.

Use of horn

5. The circumstances referred to in regulation 4(*b*) are that the invalid carriage is either—

(*a*) stationary on a road and is not in danger from another moving vehicle on or near the road; or

(*b*) in motion on a road which is a restricted road for the purposes of Article 50(2) of the 1981 Order between 2330 hours and 0700 hours in the following morning.

Prescribed requirements for purposes of Article 213(1) of the 1981 Order

6. For the purposes of Article 213(1) of the 1981 Order an invalid carriage—

(*a*) shall be a Class 1, Class 2 or Class 3 invalid carriage; and

(*b*) comply with the requirements specified in regulations 7 to 14.

Unladen weight

7.—(1) The unladen weight of a Class 1 or Class 2 invalid carriage shall not exceed 113.4 kilograms.

(2) The unladen weight of a Class 3 invalid carriage shall not exceed 150 kilograms.

(3) In this regulation, ''unladen weight'' means the weight of the invalid carriage inclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for its propulsion and of loose tools, but exclusive of the weight of any other load or of a person carried by the invalid carriage.

Means of stopping

8.—(1) A Class 2 or Class 3 invalid carriage shall be so constructed and maintained that it meets the requirements set out in paragraphs (2) to (4).

(2) The invalid carriage shall be capable of being brought to rest in all conditions of use with reasonable directional stability and within a reasonable distance.

(3) When the invalid carriage is not being propelled or is left unattended it shall be capable of being held stationary indefinitely in all conditions of use on a gradient of 1 in 5.

(4) The requirements of paragraphs (2) and (3) shall not be regarded as met unless the necessary braking effect can be achieved by the appropriate use—

(*a*) of the invalid carriage's propulsion unit or transmission gear or of both the propulsion unit and transmission gear;

(*b*) of a separate system fitted to the vehicle (which may be a system which operates upon the propulsion unit or transmission gear); or

(*c*) of a combination of the means of achieving a braking effect referred to in sub-paragraphs (*a*) and (*b*);

and in the case of paragraph (3) without depending upon any hydraulic or pneumatic device or on the flow of electrical current.

Lighting

9.—(1) Subject to paragraph (2) an invalid carriage shall comply with the requirements of Articles 38 to 42 of the 1981 Order as modified by Article 43.