1992 No. 509

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 1992

Made . . . . . *1st December 1992*

Coming into operation . . *31st December 1992*

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, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 1992 and shall come into operation on 31st December 1992.

(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 regulation 2(1) omit the definition of "closely-spaced".

(2) In paragraph (8), for "1.02" substitute "0.5".

(3) After paragraph (8), insert the following paragraph—

"(8A) For the purposes of these Regulations, a reference to axles being closely-spaced is a reference to—

(*a*) two axles (not being part of a group of axles falling within sub-paragraph (*b*) or (*c*)) which are spaced at a distance apart of not more than 2.5m;

(*b*) three axles (not being part of a group of axles falling within sub-paragraph (*c*)) the outermost of which are spaced at a distance apart of not more than 3.25m; or

(*c*) four or more axles the outermost of which are spaced at a distance apart of not more than 4.6m;

the number of axles for the purposes of these paragraphs being determined in accordance with paragraph (8); and a reference to any

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(**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. 1991 No. 420. S.R. 1992 No. 111 and S.R. 1992 No. 373

particular number of closely-spaced axles shall be construed accordingly.''.

(4) In paragraph (9), after the words ''For the purpose of'' insert the words ''paragraph (8A),'' and the words ''and of the definition in paragraph (1) of the expression ''closely-spaced'' '' shall be omitted.

Amendments to regulation 23 (tyre loads and speed ratings)

3. Regulation 23(**a**) of the principal Regulations shall be amended as follows—

(1) In paragraph (1), for the words ''paragraphs (3) and (4)'' substitute the words ''paragraphs (3), (4) and (7A)''.

(2) For Table I substitute—

''TABLE I (regulation 23(1))

1 *Item*	2 *Class of Vehicle*	3 *Date of first use*	4 *Requirements*
1	Vehicles which are of one or more of the following descriptions, namely— (*a*) goods vehicles, (*b*) trailers, (*c*) buses, (*d*) vehicles of a class mentioned in column 2 in Table III.	Before 1st April 1991.	The requirements of paragraphs (5) and (6).
2	Vehicles which are of one or more of the following descriptions, namely— (*a*) goods vehicles, (*b*) trailers, (*c*) buses, (*d*) vehicles of a class mentioned in column 2 in Table III, with the exception of the vehicles specified in paragraph (2).	On or after 1st April 1991.	The requirements of paragraphs (5), (6) and (7).
3	Vehicles of a class mentioned in paragraph (2).	On or after 1st April 1991.	The requirements of paragraph (5).

''.

(**a**) Regulation 23 was amended by S.R. 1992 No. 111, reg. 7

(3) For paragraph (2) substitute the following paragraph—

"(2) The classes of vehicle referred to in items 2 and 3 in column 2 of Table I are—

(*a*) engineering plant;

(*b*) track-laying vehicles;

(*c*) vehicles equipped with tyres of speed category Q;

(*d*) works trucks; and

(*e*) motor vehicles with a maximum speed not exceeding 30 m.p.h., not being vehicles of a class specified in—

(i) items 2 and 3 of Table II; or

(ii) paragraph (7A) or sub-paragraphs (*a*) to (*d*) of this paragraph;

or trailers while being drawn by such vehicles.".

(4) In paragraph (4), for the words from "that tyre shall" to the end of the paragraph substitute the words "paragraph (7) shall not apply to that tyre while it is being used for those purposes.".

(5) In paragraph (6) for the word "maintained" substitute "manufactured".

(6) In Table II—

(*a*) in column 4 for "load capacity index" substitute "load-capacity index" and for "Tyres marked in accordance with ECE Regulation 30.02" substitute "Tyres marked in accordance with ECE Regulation 30, 30.01 or 30.02";

(*b*) in item 1 in column 2 add at the end "other than an agricultural motor vehicle";

(*c*) in item 2 in column 3 for "25" substitute "The maximum speed of the vehicle";

(*d*) in item 3 in column 3 for "40" substitute "The maximum speed of the vehicle";

(*e*) in item 4 in column 3 for "50" substitute "The maximum speed of the vehicle"; and

(*f*) in item 6 in column 2 add ", an agricultural motor vehicle, an agricultural trailer, an agricultural trailed appliance or an agricultural trailed appliance conveyor".

(7) In paragraph (7), for "ECE Regulation 30.02" substitute "ECE Regulation 30, 30.01, 30.02".

(8) After paragraph (7) insert the following paragraph—

"(7A) The requirements of paragraphs (6) and (7) shall not apply to a vehicle of a class specified in an item in column 2 of Table III while it is being driven or drawn at a speed not exceeding that specified in that item in column 3 of that Table.

TABLE III (regulation 23(7A))

1 *Item*	2 *Class of vehicle*	3 *Speed (m.p.h.)*
1	Agricultural motor vehicles	20
2	Agricultural trailers	20
3	Agricultural trailed appliances	20
4	Agricultural trailed appliance conveyors	20
5	Works trailers	18

".

(9) In paragraph (8) for "load capacity index" wherever it occurs substitute "load-capacity index".

(10) In paragraph (9)—

(*a*) in the definition of "load-capacity index" for "paragraph 2.26" substitute "paragraph 2.27"; and

(*b*) in the definition of "speed category" for "paragraph 2.27" substitute "paragraph 2.28".

Amendments to regulation 25 (condition and maintenance of tyres)

4. In regulation 25(4) of the principal Regulations, in paragraphs (*f*)(**a**) for "situated in" substitute "comprising".

Amendments to regulation 63 (emission of smoke, vapour, gases, oily substances etc.)

5. Regulation 63 of the principal Regulations shall be amended as follows—

(1) In paragraph (4)(*b*)—

(*a*) in sub-paragraph (i), for "or 88/76" substitute ", 88/76 or 91/441";

(*b*) the word "or" immediately following sub-paragraph (i) shall be omitted; and

(*c*) for sub-paragraph (ii), substitute the following sub-paragraphs—

"(ii) in a case where the first use is on or after 1st April 1991 but before 31st December 1992, or in a case where the vehicle is a vehicle to which Part III of Schedule 1B of the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(**b**) applies, with Community Directive 83/351, 88/76 or 91/441, or ECE Regulation 15.04; or

(iii) in any other case, with Community Directive 91/441.".

(**a**) Paragraph (4)(*f*) was inserted by S.R. 1992 No. 111, reg. 9(1)
(**b**) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1990 No. 84 and S.R. 1992 No. 508

(2) In paragraph (7)(**a**), before ''(8)'' insert ''(7A),''.

(3) After paragraph (7) insert the following paragraph—

''(7A) In relation to a vehicle to which Part III of Schedule 1B of the Northern Ireland Regulations applies, item 8 of Table II shall have effect as if for the entry in column (3) there were substituted ''31st December 1993.''.

(4) In paragraph (7)(*b*), for the words ''those requirements would neither'' substitute the words ''neither would those requirements''.

(5) In paragraph (11)(**b**), after sub-paragraph (*c*) add the words ''and for the purposes of determining whether a vehicle is a vehicle to which item 8, 9 or 10 in that Table applies, regulation 3(2) shall be disregarded''.

(6) For Table II(**c**), substitute the following Table—

(**a**) Paragraph (7) was inserted by S.R. 1991 No. 420, reg. 7(3)
(**b**) Paragraph (11) was inserted by S.R. 1991 No. 420, reg. 7(3)
(**c**) Table II was inserted by S.R. 1991 No. 420, reg. 7(4)