1992 No. 508

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Type Approval) (Amendment No. 2) 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 31A(1), 31D(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 and commencement

1. These Regulations may be cited as the Motor Vehicles (Type Approval) (Amendment No. 2) Regulations (Northern Ireland) 1992 and shall come into operation on 31st December 1992.

Regulations amended

2. The Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(**b**) are amended as follows—

(1) In regulation 2(1) (interpretation) after the definition of "the prescribed type approval requirements" insert—

" "registered" means registered under the Vehicles (Excise) Act 1971(**c**);".

(2) In regulation 4 (type approval requirements — application)—

(*a*) in paragraph (1) after "paragraphs" insert "(1A),", and for the words "used on a road" substitute "registered";

(*b*) after paragraph (1) insert—

"(1A) In relation to a particular vehicle—

(*a*) a type approval requirement applicable to the vehicle at the date of manufacture shall continue to apply to it until it is registered; and

(*b*) a type approval requirement which is applicable to vehicles as from a date after that vehicle was manufactured shall not apply to the vehicle unless the subject matter of the requirement is

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

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

(**c**) 1971 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31)

the same as that of a requirement applicable to it on the date it was manufactured;

but nothing in this paragraph affects the operation of sub-paragraph (*a*) or (*b*) of paragraph (1) in so far as it relates to requirements with respect to exhaust emissions from any vehicle not being of a description specified in column (4) of item 4G of Schedule 1.'';

(*c*) in paragraph (3) for the words ''If a vehicle or vehicle part'' substitute ''Save as provided in paragraph (3A), if a vehicle or vehicle part'';

(*d*) after paragraph (3) insert—

''(3A) The provisions of paragraph (3) do not apply in respect of items 4C, 4D, 4E and 4F in Schedule 1.'';

(*e*) after paragraph (8)(**a**) insert—

''(8A) Where, in relation to items 12A(1), 12A(2) and 12A(3) in Schedule 1, a date is specified in column (6) of that Schedule (being a date of cessation of application of type approval requirements), that date shall not apply to any vehicle for which, or for a model of which, there is a type approval certificate or (as the case may be) a Department's approval certificate in force at that date.'';

(*f*) in paragraph (11)(**b**) for the words ''item 4C, and column (5) of items 4D, 4E and 27'' substitute ''items 4C, 4D, 4E, 4F and 27, and column (6) of items 25 and 26''; and

(*g*) after paragraph (11) insert—

''(12) In this regulation, ''prescribed'' means prescribed under Articles 31A and 31E of the Order.''.

(3) In Schedule 1—

(*a*) for item 4D(**c**), substitute the item numbered 4D in Schedule 1;

(*b*) in item 4E(**d**) in column (6), insert ''See regulation 4(11) and Schedule 1B'';

(*c*) after item 4E insert the items numbered 4F, 4G, 4H and 4J in Schedule 1;

(*d*) for item 12A(**e**) substitute the items numbered 12A(1), 12A(2) and 12A(3) in Schedule 1;

(*e*) after item 15B insert the item numbered 15C in Schedule 1;

(*f*) after item 17A insert the item numbered 17B in Schedule 1;

(**a**) Paragraph (8) was inserted by S.R. 1987 No. 389, reg. 2(3) and amended by S.R. 1988 No. 405, reg. 2(1)(*a*)

(**b**) Paragraph (11) was inserted by S.R. 1990 No. 84, reg. 2(1)

(**c**) Item 4D was inserted by S.R. 1988 No. 405, reg. 2(2)(*c*) and Schedule and substituted by S.R. 1990 No. 84, reg. 2(2)(*a*) and Schedule

(**d**) Item 4E was inserted by S.R. 1990 No. 84, reg. 2(2)(*a*) and Schedule

(**e**) Item 12A was amended by S.R. 1987 No. 389, reg. 2(4)(*j*)

(*g*) in item 25(**a**), in column (6) insert "See regulation 4(11) and Schedule 1B";

(*h*) in item 26(**a**), in column (6) insert "See regulation 4(11) and Schedule 1B"; and

(*i*) in item 27(**b**), in column (6) insert "See regulation 4(11) and Schedule 1B".

(4) In Part I of Schedule 1B(**c**)—

(*a*) paragraph 1 shall be renumbered paragraph 1A and before that paragraph as so renumbered insert the following paragraph—

"1. This Part has effect subject to Part III.";

(*b*) in paragraph 2 after "4E" insert "4F, 25, 26";

(*c*) in paragraph 3(1) for the words "paragraph 4" substitute "paragraphs 4 or 4A"; and

(*d*) after paragraph 4 insert—

"(4A) This paragraph applies in relation to item 4E where a vehicle is fitted with an engine which is described in the Annex to a type-approval certificate granted before 31st December 1992 in accordance with Council Directive 88/77/EEC(**d**).

(4B) Expressions used in paragraph (3), which are also used in Article 3 of Council Directive 91/542/EEC(**e**), have the same meaning as in that Article.".

(5) For Part II of Schedule 1B substitute a new Part II as specified in Schedule 2.

(6) After Part II of Schedule 1B, insert Part III as set out in Schedule 3.

Sealed with the Official Seal of the Department of the Environment on 1st December 1992.

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

(**a**) Items 25 and 26 were inserted by S.R. 1988 No. 405, reg. 2(2)(*d*) and Schedule
(**b**) Item 27 was inserted by S.R. 1990 No. 84, reg. 2(2)(*b*) and Schedule
(**c**) Schedule 1B was inserted by S.R. 1990 No. 84, reg. 2(4) and Part II was amended by S.R. 1990 No. 312, reg. 2
(**d**) O.J. L36, 9.2.88, p. 33
(**e**) O.J. L295, 25.10.91, p. 1

SCHEDULE 1 (see regulation 2(3))

(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*			
4D	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 and Council Directive 88/76/EEC of 3rd December 1987.	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 and L36, 9.2.88, p. 1.	Design, construction and equipment requirements in Annex I, paragraph 6 and either: (a) paragraph 5 as modified by paragraph 8.1 in the case of vehicles to which 8.1 applies and paragraph 5 in the case of any other vehicle; or (b) paragraph 8.3 and paragraph 5 as modified by paragraph 8.3.	1. Vehicles propelled by compression ignition engines and whose maximum gross weight exceeds 3500 kg. 2. Vehicles fuelled by liquid petroleum gas.	See regulation 4(11)	See regulation 4(11)

	or					
	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/EEC of 13th December 1987 and Council Directive 88/436/EEC of 16th June 1988, as corrected on 8th November 1988,	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, and L214, 6.8.88, p. 1.	Design, construction and equipment requirements in Annex I, paragraph 6 and either: (a) paragraph 5 as modified by paragraph 8.1 in the case of vehicles to which 8.1 applies and paragraph 5 in the case of any other vehicle; or (b) paragraph 8.3 and paragraph 5 as modified by paragraph 8.3.		See regulation 4(11)	See regulation 4(11)
	or					
	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	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,	Design, construction and equipment requirements in Annex I, paragraph 6 and either: (a) paragraph 5 as modified by paragraph 8.1 applies and paragraph 5 in the case of any other vehicle;	1. Vehicles propelled by compression ignition engines and whose maximum gross weight exceeds 3500 kg. 2. Vehicles fuelled by liquid petroleum gas.	31st December 1992	See regulation 4(11)