1988 No. 405

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Type Approval) (Amendment) Regulations (Northern Ireland) 1988

Made . . . . . *16th November 1988*

Coming into operation . . *26th December 1988*

The Department of the Environment, in exercise of the powers conferred on it by Articles 31A(1), 31D(1) and (2) 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) Regulations (Northern Ireland) 1988 and shall come into operation on 26th December 1988.

Regulations amended

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

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

(*a*) in paragraph (8) before "14C and 14D" insert "4B,"; and

(*b*) after paragraph (9) insert—

"(10) Schedule 1A shall have effect for the purpose of specifying, in relation to certain vehicles, dates which are to be read as if they appeared in column (5) of items 25 and 26 of Schedule 1.".

(2) In Schedule 1—

(*a*) in column (6) of item 4B (exhaust emissions) insert "30.9.1989" in the following places—

(i) opposite the entry in column (3)(*a*) relating to Council Directive 70/220/EEC of 20th March 1970,

(ii) opposite the entry in column (3)(*a*) relating to ECE Regulation 15;

(*b*) in column (4) of item 4C (exhaust emissions) delete exemption 3 and re-number exemption 4 as 3;

(*c*) after item 4C insert as item 4D the item so numbered in the Schedule; and

(*d*) after item 24A insert as items 25 and 26 the items so numbered in the Schedule.

(3) After Schedule 1 insert the following Schedule—

(**a**) S.I. 1981/154 (N.I.1); amended by S.I. 1985/755 (N.I. 6) Art.3

(**b**) S.R. 1985 No. 294; amended by S.R. 1987 No. 389

"SCHEDULE 1A (see regulation 4(10))

Dates of Application of Items 25 and 26 of Schedule 1

PART I

1. In this Schedule—

"EEC type approval certificate" means a certificate issued by a member state of the European Economic Community in accordance with Council Directive 70/220/EEC of 20th March 1970(**a**) as originally made or with any amendments which have from time to time been made before 16th November 1988;

"engine capacity" means, in the case of a reciprocating engine, the nominal swept volume and, in the case of a rotary engine, double the nominal swept volume;

"off-road vehicle" has the meaning given by Annex I to Council Directive 70/156/EEC of 6th February 1970(**b**) as amended at 16th November 1988;

"relevant authority" means—

(*a*) in relation to an EEC type approval certificate issued by the United Kingdom, the Secretary of State or the Department of the Environment for Northern Ireland, and

(*b*) in relation to an EEC type approval certificate issued by another member state of the European Economic Community, the authority having power under the law of that state to issue that certificate.

2. Items 25 and 26 of Schedule 1 shall have effect in relation to a vehicle as if the date specified for the purposes of regulation 4(1)(*a*), determined in accordance with the following provisions, appeared in column (5) of those items.

3. The date applicable to such vehicle shall be—

(*a*) where the vehicle is of a description specified in column (2) of the Table in Part II and the conditions specified in paragraph 4 are satisfied in relation to it, the date specified for a vehicle of that description in column (3) of the Table;

(*b*) where sub-paragraph (*a*) does not apply but a type approval certificate or a Department's approval certificate is in force on 30th September 1989 in relation to the vehicle, 1st October 1990;

(*c*) in any other case, 1st October 1989.

4. The conditions referred to in paragraph 3 are—

(*a*) that the vehicle is a model in relation to which there is in force an EEC type approval certificate issued before 1st October 1989;

(*b*) that the manufacturer of the vehicle has supplied to the relevant authority which issued the EEC type approval certificate, a certificate stating that adapting vehicles of that model to the fuel requirements specified in the Annexes to Council Directive 70/220/EEC as amended at 16th November 1988 would entail a change in material specification of the inlet or exhaust valve seats or a reduction in the compression ratio or an increase in the engine capacity to compensate for loss of power; and

(*c*) that the relevant authority has accepted the certificate referred to in sub-paragraph (*b*).

(**a**) O.J. No. 1. L76, 6.4.70, p.1 (O.J./SE 1970(I) p.171); amending instruments are listed in item 4D in the Schedule to these Regulations

(**b**) O.J. L42, 23.2.70, p.1; the relevant amending instrument is Council Directive 87/403/EEC (O.J. L220, 8.8.87, p.44)

PART II

Table (see sub-paragraph 3(*a*) of Part I)

(1) Item	(2) Description of vehicle	(3) Date in cases where sub-paragraph — 3(*a*) of Part I applies
1.	Vehicles with an engine capacity of less than 1400 cc.	1.10.1991
2.	Vehicles with an engine capacity of not less than 1400 cc. and not more than 2000cc.	1.10.1993
3.	Vehicles with an engine capacity of more than 2000 cc. and which— (*a*) are constructed or adapted to carry not more than 5 passengers excluding the driver, or (*b*) have a maximum gross weight of not more than 2500kg. not being, in either case, off-road vehicles.	1.10.1992

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Sealed with the Official Seal of the Department of the Environment on 16th November 1988.

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