1988 No. 404

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 2) 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 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 and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 1988 and shall come into operation on 26th December 1988.

Regulations amended

2. The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(**b**) shall be amended as follows—

(1) In regulation 3(1) (interpretation) insert in the appropriate place the following definition—

"ECE Regulation" means a Regulation annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958(**c**) as amended(**d**) to which the United Kingdom is a party(**e**).

(2) For regulation 19 (construction of petrol tanks) substitute the following regulation—

"*Petrol tanks*

19.—(1) Subject to paragraph (2) and regulation 19B, a tank containing petroleum spirit (as defined in section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(**f**)) which is fitted to a wheeled vehicle first used on or after 1st July 1973 and is used either for the propulsion of the vehicle or for driving an ancillary engine or equipment forming part of the vehicle shall be—

(*a*) made of metal;

(**a**) S.I. 1981/154 (N.I. 1)
(**b**) S.R. 1976 No. 320; to which there are amendments not relevant to these regulations
(**c**) Cmnd. 2535
(**d**) Cmnd. 3562
(**e**) By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963
(**f**) 1929 c. 13 (N.I.)

(*b*) fixed in such a position and so maintained as to be reasonably secure from damage; and

(*c*) constructed and maintained so that the leakage of liquid or vapour from the tank is adequately prevented, though the tank may be fitted with a device which, by the intake of air or the emission of vapour, relieves changes of pressure in the tank.

(2) Instead of complying with paragraph (1)(*a*), (*b*) and (*c*) as to construction, a vehicle may comply with Community Directive 70/221(**a**) (insofar as it relates to fuel tanks), ECE Regulation 34(**b**) or 34.01(**c**) or, if the vehicle is an agricultural motor vehicle, Community Directive 74/151(**d**).''.

(3) After regulation 19 insert the following regulations—

''*Requirements as to vehicles running on unleaded petrol*

19A.—(1) A vehicle to which this regulation applies shall be designed and constructed for running on unleaded petrol.

(2) A person shall not use, or cause or permit to be used, on a road a vehicle to which this regulation applies if it—

(*a*) has been deliberately altered or adjusted for running on leaded petrol, and

(*b*) as a direct result of such alteration or adjustment it is incapable of running on unleaded petrol.

(3) Subject to paragraph (4) this regulation applies to a motor vehicle which is—

(*a*) propelled by a spark ignition engine which is capable of running on petrol, and

(*b*) is first used on or after 1st April 1991.

(4) Part I of Schedule 1A shall have effect for the purpose of excluding certain vehicles from the application of this regulation.

(5) In this regulation ''petrol'', ''leaded petrol'' and ''unleaded petrol'' have the same meaning as in Community Directive 85/210(**e**).

(6) A vehicle shall be regarded for the purposes of paragraph (2)(*b*) as incapable of running on unleaded petrol at any particular time if, and only if in its state of adjustment at that time, prolonged continuous running on such petrol would damage the engine.

19B.—(1) Subject to paragraph (2) and without prejudice to regulation 19, a fuel tank fitted to a vehicle to which regulation 19A applies shall be so constructed and fitted that it cannot readily be filled from a petrol pump delivery nozzle which has an external diameter of 23.6 mm or greater without the aid of a device (such as a funnel) not fitted to the vehicle.

(2) Paragraph (1) does not apply to a vehicle in respect of which both of the following conditions are satisfied, that is to say—

(**a**) O.J. L76, 6.4.1970, p. 23
(**b**) Which came into force on 1st July 1975
(**c**) Which came into force on 18th January 1979
(**d**) O.J. L84, 28.3.1974, p. 25
(**e**) O.J. L96, 3.4.1985, p. 25

(*a*) that at the time of its first use the vehicle is so designed and constructed that prolonged continuous running on leaded petrol would not cause any device designed to control the emission of carbon monoxide, hydrocarbon or nitrogen oxides to malfunction, and

(*b*) that it is conspicuously and legibly marked in a position immediately visible to a person filling the fuel tank with either—

(i) the word "UNLEADED", or

(ii) the symbol shown in Part II of Schedule 1A.

(3) In this regulation "fuel tank" means a fuel tank used in connection with the propulsion of the vehicle.".

(4) For regulation 31 (emission of smoke or vapour) substitute—

"*Emission of smoke, vapour, gases, oily substances, etc.*

31.—(1) Subject to paragraph (4), every vehicle shall be constructed so as not to emit any avoidable smoke or avoidable visible vapour.

(2) A motor vehicle using solid fuel shall be fitted with—

(*a*) a tray or shield to prevent ashes and cinders from falling onto the road, and

(*b*) an efficient appliance to prevent emission of sparks or grit.

(3) Subject to paragraph (4) and to the exemptions specified in an item in column 4 of the Table below, wheeled vehicles of a class specified in that item in column 2 shall be constructed so as to comply with the requirements specified in that item in column 3.

(4) Instead of complying with paragraph (1) and such requirements of items 1, 2 and 3 in the Table as apply to it, a vehicle may at the time of its first use comply—

(*a*) if it is propelled by a compression ignition engine, with Community Directive 72/306(**a**) or, in the case of an agricultural vehicle, Community Directive 77/537(**b**) or ECE Regulation 24.01(**c**), 24.02(**d**) or 24.03(**e**), or

(*b*) if it is propelled by a spark ignition engine—

(i) in a case where the first use is before 1st April 1991, with Community Directive 78/665(**f**), 83/351(**g**) or 88/76(**h**) or ECE Regulation 15.03(**i**) or 15.04(**j**), or

(ii) in any other case, with Community Directive 83/351 or 88/76 or ECE Regulation 15.04.".

(**a**) O.J. L190, 20.8.1972, p. 1
(**b**) O.J. L220, 29.8.1977, p. 38
(**c**) Which came into force on 11th September 1973
(**d**) Which came into force on 11th February 1980
(**e**) Which came into force on 20th April 1980
(**f**) O.J. L223, 14.8.1978, p. 48
(**g**) O.J. L197, 20.7.1983, p. 1
(**h**) O.J. L36, 9.2.1988, p. 1-32
(**i**) Which came into force on 6th March 1978
(**j**) Which came into force on 20th September 1981

(5) A person shall not use, or cause or permit to be used, on a road a motor vehicle—

(*a*) from which any smoke, visible vapour, grit, sparks, ashes, cinders or oily substance is emitted if that emission causes, or is likely to cause, damage to any property or injury or danger to any person who is, or who may reasonably be expected to be, on the road; and

(*b*) which is subject to the requirement in item 2 of the Table (whether or not, by virtue of paragraph (4), it is not required to comply with that requirement) if the fuel injection equipment, the engine speed governor or any other parts of the engine by which it is propelled have been altered or adjusted so as to increase the emission of smoke.

(6) In the case of a vehicle subject to the requirement in item 1 of the Table, a person shall not, while the vehicle is in motion, use, or cause or permit to be used, the device mentioned in column 2 in that item.

(7) In the case of a vehicle subject to the requirement in item 3 of the Table, a person shall not use or cause or permit it to be used unless it is so maintained that the means specified in column 3 of that item are in good working order.

TABLE

Column 1	Column 2	Column 3	Column 4
Item	*Class of Vehicle*	*Requirements*	*Exemptions*
1.	Vehicles propelled by a compression ignition engine and equipped with a device designed to facilitate starting the engine by causing it to be supplied with excess fuel.	Provision shall be made to ensure the device cannot readily be operated by a person inside the vehicle.	(*a*) a works truck; (*b*) a vehicle on which the device is so designed and maintained that— (i) its use after the engine has started cannot cause the engine to be supplied with excess fuel, or (ii) it does not cause any increase in the smoke or visible vapour emitted from the vehicle.

2.	Vehicles first used on or after 1st April 1973 and propelled by a compression ignition engine.	The engine of the vehicle shall be of a type for which there has been issued by a person authorised by the Department a type test certificate in accordance with the British Standard Specification for the Performance of Diesel Engines for Road Vehicles published on 19th May 1971 under number BS AU 141a: 1971. In the case of an agricultural motor vehicle (other than one which is first used after 1st June 1986 and is driven at more than 20 mph), an industrial tractor, a works truck or engineering plant, for the purpose of that Specification as to the exhaust gas opacity, measurements shall be made with the engine running at 80% of its full load over the speed range from maximum speed down to the speed at which maximum torque occurs as declared by the	(*a*) a vehicle manufactured before 1st April 1973 and propelled by an engine known as the Perkins 6.354 engine; (*b*) a vehicle propelled by an engine having not more than 2 cylinders and being an agricultural motor vehicle (other than one which is first used on or after 1st June 1986 and which is driven at more than 20 mph), an industrial tractor, a works truck or engineering plant.