1985 No. 294

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985

Made . . . . . *24th October 1985*

Coming into operation . . . *2nd December 1985*

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The Department of the Environment, in exercise of the powers conferred on it by Articles 31A(1), 31C(1), 31D(1), (2) and (3), 31E(4) 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) Regulations (Northern Ireland) 1985 and shall come into operation on 2nd December 1985.

Interpretation

2.—(1) In these regulations—

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(**b**);

"appropriate information document"—

(*a*) in relation to a vehicle subject to type approval requirements and in respect of which an application for a type approval certificate is made, means a document in the form set out in Part I of Schedule 2;

(*b*) in relation to a vehicle subject to type approval requirements and in respect of which an application for a Department's approval certificate is made, means a document in the form set out in Part II of Schedule 2; and

(*c*) in relation to a vehicle part subject to type approval requirements means a document in the form set out in Part III of Schedule 2;

"dual-purpose vehicle" means a vehicle constructed or adapted for the carriage both of passengers and of goods being a vehicle of which the unladen weight does not exceed 2040 kilograms, and which satisfies the following conditions as to construction, namely:—

(*a*) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;

(*b*) the area of the vehicle to the rear of the driver's seat must—

(i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-rests, attached either to the seats or to a side or the floor of the vehicle, and

(ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 1850 square centimetres on each side and not less than 770 square centimetres at the rear; and

(*c*) the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in sub-paragraph (*b*)(i) or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the back-rests of the rearmost such row must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

"ECE Regulation" means a Regulation annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment

(**a**) S.I. 1981/154 (N.I. 1) as amended by S.I. 1985/755 (N.I. 6) Art. 3
(**b**) S.R. 1976 No. 320 as amended by S.Rs. 1978 No. 208, 1980 No. 164, 1982 No. 336 and 1983 Nos. 62, 137 and 389

and parts and reciprocal recognition thereof concluded at Geneva on 2nd March 1958(**a**) as amended(**b**) to which the United Kingdom is a party(**c**);

"maximum gross weight" means, in relation to a vehicle, the weight which it is designed or adapted not to exceed when in normal use and travelling on a road laden;

"motor ambulance" means a motor vehicle which is specially designed and constructed (and not merely adapted) for carrying, as equipment permanently fixed to the vehicle, equipment used for medical, dental or other health purposes and is used primarily for the carriage of persons suffering from illness, injury or disability;

"motor caravan" means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

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

"the prescribed fee", in relation to any matter provided for in these regulations, means the fee prescribed for such matter in the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations (Northern Ireland) 1985(**d**);

"the prescribed type approval requirements", in relation to a vehicle or a vehicle part subject to type approval requirements, means the type approval requirements prescribed therefor by these regulations;

"regular armed forces of the Crown" has the meaning assigned to it in section 10 of the Northern Ireland Assembly Disqualification Act 1975(**e**);

"the type approval requirements" means the requirements with respect to the design, construction, equipment or marking of vehicles or vehicle parts which—

(*a*) relate to the items numbered in column (1) and listed in column (2) of Schedule 1; and

(*b*) are contained in instruments or other documents, and consist of the requirements, specified against each such item in column (3) of Schedule 1; and

"vehicle subject to type approval requirements" and "vehicle part subject to type approval requirements" have the meanings given to those expressions in regulation 4(6).

(2) A reference in these regulations to a vehicle in category M1 is a reference to a vehicle described as M1 in Council Directive 71/320/EEC of 26th July 1971(**f**) and in ECE Regulation 13 of 29th May 1969, and a reference in these regulations to a vehicle in category L5 is a reference to a vehicle described as L5 in ECE Regulation 13 of 29th May 1969.

(3) For the purposes of these regulations—

(*a*) a motor vehicle is to be regarded as being manufactured on or after a particular date if it is first assembled on or after that date, even if it includes one or more parts which were manufactured before that date; and

(*b*) the provisions of regulation 3(2) of the Construction and Use Regulations shall apply for determining when a motor vehicle is first used.

(**a**) Cmnd. 2535
(**b**) Cmnd. 3562
(**c**) By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963
(**d**) S.R. 1985 No. 295
(**e**) 1975 c. 25
(**f**) O.J. L202, 6.9.71, p. 37 (SE 1971 (III), p. 746)

Application

3.—(1) Subject to paragraph (2) these regulations apply to—

(*a*) every motor vehicle manufactured on or after 1st August 1978 and first used on or after 2nd December 1985 which is constructed solely for the carriage of passengers and their effects or is a dual-purpose vehicle and in either case which—

(i) is adapted to carry not more than eight passengers exclusive of the driver and either has four or more wheels or, if having only three wheels, has a maximum gross weight of more than 1000 kilograms, or

(ii) has three wheels, a maximum gross weight not exceeding 1000 kilograms, and either a design speed exceeding 40 kilometres per hour or an engine with a capacity exceeding 50 cubic centimetres, and is not a motor cycle with a side-car attached; and

(*b*) parts of any such motor vehicles.

(2) These regulations do not apply to, or to parts of—

(*a*) a motor ambulance;

(*b*) a motor caravan;

(*c*) a motor vehicle brought temporarily into Northern Ireland by a person resident abroad;

(*d*) a vehicle in the service of a visiting force or of a headquarters (as defined in Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(**a**));

(*e*) a motor vehicle which is imported by an individual into Northern Ireland and in relation to which the following conditions are satisfied—

(i) the vehicle has been purchased outside Northern Ireland for the personal use of the individual importing it or of his dependants,

(ii) the vehicle has been so used by that individual or his dependants on roads outside Northern Ireland before it is imported,

(iii) the vehicle is intended solely for such personal use in Northern Ireland, and

(iv) the individual importing the vehicle intends, at the time when application is first made for a licence for the vehicle under section 12 of the Vehicles (Excise) Act (Northern Ireland) 1972(**b**) to remain in Northern Ireland for not less than 12 months from that time;

(*f*) a motor vehicle which is to be exported from Northern Ireland and which—

(i) is exempt from car tax by virtue of paragraph 7 of Schedule 7 to the Finance Act 1972(**c**),

(ii) is a vehicle in relation to which there has been a remission of car tax by virtue of paragraph 8 of that Schedule, or

(iii) has been zero-rated under regulation 49 or 50 of the Value Added Tax (General) Regulations 1980(**d**);

(*g*) a motor vehicle which is of a new or improved type, or is fitted with equipment of a new or improved type, and which has been constructed to that

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(**a**) S.I. 1965/1536

(**b**) 1972 c. 10 (N.I.)

(**c**) 1972 c. 41; paragraph 7 was amended by the Finance (No. 2) Act 1975 (c. 45), section 23(1) and the Finance Act 1981 (c. 35), section 17(4) and paragraph 8 was amended by the said Act of 1975, section 23(2)

(**d**) S.I. 1980/1536, to which there are amendments not relevant to these regulations

type, or fitted with that equipment, for the purposes of tests or trials or for use as a prototype, and—

(i) is not intended for general use on roads, and

(ii) in the case of a vehicle first used on a road on or after 2nd December 1985 remains in the ownership and the use of—

(A) the manufacturer of the vehicle if the vehicle is of a new or improved type, or

(B) the manufacturer of the equipment if the vehicle is fitted with equipment of a new or improved type or the manufacturer of the vehicle on which that equipment is used;

(*h*) a motor vehicle which is of a new or improved type provided that—

(i) a final examination has been carried out in respect of a vehicle to which the vehicle is alleged to conform following a written application made either—

(A) in the manner approved in accordance with regulation 5, for a type approval certificate for the type, or

(B) in the manner approved in accordance with regulation 6, for a Department's approval certificate,

and as a result of the examination the Department is satisfied that the relevant type approval requirements specified in Schedule 1 are complied with,

(ii) the Department has been notified of the vehicle identification number in a manner approved by it,

(iii) the vehicle is being used for no purpose other than for, or in connection with, publicity, demonstration or evaluation of that type of vehicle, and

(iv) until, following the examination mentioned in sub-paragraph (i), there has been issued a type approval certificate or, as the case may be, a Department's approval certificate, the vehicle—

(A) remains in the ownership of the person who made the application referred to in the said sub-paragraph (i), and

(B) is not offered for sale or supply or sold or supplied by retail;

(*i*) a motor vehicle where it has ceased to be in the service of the regular armed forces of the Crown or the Ulster Defence Regiment;

(*j*) a motor vehicle constructed or assembled by a person not ordinarily engaged in the trade or business of manufacturing motor vehicles of that description; or

(*k*) a motor vehicle for which a first licence was granted under the Vehicles (Excise) Act 1971(**a**) on or after 1st August 1978.

Type approval requirements — application

4.—(1) Subject to paragraphs (2), (3), (4) and (5) and to the exemptions specified in column (4) of Schedule 1, the type approval requirements specified in column 3 of Schedule 1 are hereby prescribed as requirements which are applicable—

(*a*) from the date specified in column (5) of Schedule 1; and

(*b*) in a case where a date is specified in column (6) of Schedule 1, until that date,

to vehicles to which these regulations apply and to the relevant parts of such vehicles, before such vehicles are used on a road.

(a) 1971 c. 10