1984 No. 199

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations (Northern Ireland) 1984

Made	*7th June 1984*
Coming into operation . . .	*1st September 1984*

The Department of the Environment, being a department designated(**a**) for the purpose of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation and supervision of working conditions of persons engaged in road transport and the regulation of the type, description, construction or equipment of vehicles, in exercise of the powers conferred by that section and in exercise of the powers conferred on it by Articles 56(5), 58(1), 63 and 83 of the Road Traffic (Northern Ireland) Order 1981(**c**) 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 Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 1st September 1984.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Regulations amended

3. The Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979(**e**) shall be amended as follows:

(1) For regulation 4(1) (installation and use of recording equipment) there shall be substituted—

"(1) A person shall not use, or cause or permit to be used, a vehicle to which this regulation applies unless there is in the vehicle recording equipment which—

(*a*) has been installed in accordance with the Community Recording Equipment Regulation;

(*b*) complies with Annexes I and II to that Regulation; and

(*c*) is being used as provided by Articles 15 to 17 of that Regulation;

and any person who contravenes this provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.".

(2) Regulation 8 (which is spent) is revoked.

(3) For regulation 10 (approval of fitters and workshops) there shall be substituted—

(a) S.Is. 1972/1811 and 1975/1707
(b) 1972 c. 68
(c) S.I. 1981/154 (N.I. 1)
(d) 1954 c. 33 (N.I.)
(e) S.R. 1979 No. 443 as amended by an instrument not relevant for the purpose

"*Installation and repair of recording equipment, checks and inspections*

10.—(1) The Department shall be the competent authority for—

(*a*) the approval of fitters and workshops for the installation or repair of recording equipment in accordance with Article 14 of the Community Recording Equipment Regulation; and

(*b*) the nomination of bodies for the carrying out of checks and inspections of recording equipment in accordance with Chapter VI of Annex I to that Regulation.

(2) An approval or nomination under paragraph (1) shall be in writing, shall specify its scope, shall provide for its withdrawal by the Department on written notice by it and, subject to paragraph (3), where the Department thinks fit, may contain conditions.

(3) Such conditions may relate to—

(*a*) the fees to be charged for installing, repairing, checking or inspecting recording equipment;

(*b*) the places where and equipment by means of which such activities are, or are to be, carried out;

(*c*) the procedure to be adopted in carrying out such activities;

(*d*) the records to be kept and the evidence to be furnished of the carrying out of such activities;

(*e*) the training of persons for carrying out such activities;

(*f*) the inspection by or on behalf of the Department of places where and equipment by means of which such activities are, or are to be, carried out; and

(*g*) the display, at the places where such activities are carried out, of signs indicating that such activities are carried out there by fitters or workshops approved or, as the case may be, bodies nominated, by the Department.

(4) The Department shall publish from time to time lists of—

(*a*) the fitters and workshops approved by it; and

(*b*) the bodies nominated by it,

and any list published under sub-paragraph (*a*) shall specify the mark to be placed by each approved fitter or workshop on any seals which shall be affixed to any recording equipment.".

(4) Nothing in paragraph 3 (*a*) or (*b*) of Chapter VI of Annex I to the Community Recording Equipment Regulation shall require an inspection of recording equipment installed in a vehicle to be carried out—

(*a*) before the expiry of a period of three months from the coming into operation of these regulations;

(*b*) where the vehicle is subject to an annual test and the equipment was installed before 1st December 1983, before the annual test of the vehicle next following the expiry of that period and the relevant period.

(5) In sub-paragraph (4)—

"annual test" means—

(*a*) in the case of a goods vehicle, the examination referred to in regulation 5 of the Goods Vehicles (Certification) Regulations (Northern Ireland) 1982(**a**);

(**a**) S.R. 1982 No. 46 as amended by S.R. 1982 No. 397 and a further amending instrument not relevant for the purpose