1983 No. 389

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 1983

Made . . . . . *1st December 1983*

Coming into operation . . . . *30th December 1983*

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 hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 1983 and shall come into operation on 30th December 1983.

Regulations amended

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

(1) In regulation 40B (sideguards)—

(*a*) in paragraph (2)(*c*) for the full stop at the end, there shall be substituted ", or", and

(*b*) after paragraph (2)(*c*) there shall be added—

"(*d*) to a semi-trailer, forming part of an articulated vehicle the total laden weight of which does not exceed 32,520 kilograms and the number of axles does not exceed 4.".

(2) For regulation 95 (condition and maintenance of tyres) there shall be substituted—

"*Condition and maintenance of tyres*

95.—(1) Save as provided in paragraphs (2) and (3) a person shall not use or cause or permit to be used on a road any motor vehicle or trailer a wheel of which is fitted with a pneumatic tyre, if—

(*a*) the tyre is unsuitable having regard to the use to which the motor vehicle or trailer is being put or to the types of tyres fitted to its other wheels;

(*b*) the tyre is not so inflated as to make it fit for the use to which the motor vehicle or trailer is being put;

(*c*) the tyre has a cut in excess of 25 millimetres or ten per cent. of the section width of the tyre, whichever is the greater, measured in any direction on the outside of the tyre and deep enough to reach the ply or cord;

(*d*) the tyre has any lump, bulge or tear caused by separation or partial failure of its structure;

(*e*) the tyre has any portion of the ply or cord exposed;

(*f*) the base of any groove which showed in the original tread pattern of the tyre is not clearly visible;

(**a**) S.I. 1981/154 (N.I. 1)

(**b**) S.R. 1976 No. 320 as amended by S.Rs. 1983 Nos. 62, 137 and further amending instruments not relevant for the purpose

(*g*) (i) the grooves of the tread pattern of the tyre do not have a depth of at least 1 millimetre throughout a continuous band measuring at least three-quarters of the breadth of the tread and round the entire outer circumference of the tyre; or

(ii) where the original tread pattern of the tyre did not extend beyond three-quarters of the breadth of the tread the base of any groove which showed in the original tread pattern does not have a depth of at least 1 millimetre.

(2) Paragraph (1) shall not prohibit the use on a road of a motor vehicle or trailer by reason only of the fact that a wheel of the vehicle or trailer is fitted with a tyre which is deflated or not fully inflated and which has any of the defects described in paragraph (1)(*c*), (*d*) or (*e*), if the tyre and the wheel to which it is fitted are so constructed as to make the tyre in that condition fit for the use to which the motor vehicle or trailer is being put and the outer sides of the wall of the tyre are so marked as to enable the tyre to be identified as having been constructed to comply with the requirements of this paragraph.

(3)(*a*) Paragraph (1) shall not apply to—

(i) a land locomotive,

(ii) a land tractor,

(iii) a land implement,

(iv) a land implement conveyor,

(v) an agricultural trailer being drawn by a land tractor,

(vi) a broken down vehicle or a vehicle proceeding to a place where it is to be broken up, being drawn, in either case, by a motor vehicle at a speed not exceeding 20 miles per hour;

(*b*) paragraph (1)(*f*) and (*g*) shall not apply to—

(i) a motor cycle having three wheels the unladen weight of which does not exceed 102 kilograms and which is incapable of exceeding 12 miles per hour on the level under its own power;

(ii) a pedestrian controlled works truck;

(*c*) paragraph (1)(*g*) shall not apply to a motorcycle with an engine capacity which does not exceed 50 cubic centimetres.

(4) A person shall not use or cause or permit to be used on a road any motor vehicle or trailer a wheel of which is fitted with a recut pneumatic tyre if—

(*a*) its ply or cord has been cut or exposed by the recutting process;

(*b*) it has been recut wholly or partially in a pattern other than the manufacturer's recut tread pattern.

(5) Without prejudice to paragraphs (1) and (4) all the tyres of a motor vehicle or trailer shall at all times while it is being used on a road be maintained in such condition as to be fit for the use to which it is being put and free from any defect which might in any way cause damage to the surface of the road or danger to persons on or in the vehicle or to other persons using the road.

(6)(*a*) In this regulation—

"breadth of tread" means the breadth of that part of the tyre which can contact the road under normal conditions of use measured at 90 degrees to the peripheral line of the tread;

"original tread pattern" means—

— in the case of a re-treaded tyre, the tread pattern of the tyre immediately after the tyre was re-treaded,