1983 No. 137

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 1983

Made	*1st June 1983*
Coming into operation	*18th July 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 every other power 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. 2) Regulations (Northern Ireland) 1983 and shall come into operation on 18th July 1983.

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) in the definition of ''overall length''—

(*a*) the word ''or'' at the end of sub-paragraph (ii) shall be deleted;

(*b*) for the words ''of business;'' at the end of sub-paragraph (iii) there shall be substituted ''of business, or''; and

(*c*) after sub-paragraph (iii) there shall be added—

''(iv) it is a plate, whether rigid or movable, fitted to a trailer constructed for the purpose of carrying other vehicles and designed to bridge the gap between that trailer and a motor vehicle constructed for that purpose and to which the trailer is attached so that, while the trailer is attached to the motor vehicle, vehicles which are to be carried by the motor vehicle may be moved from the trailer to the motor vehicle before a journey begins, and vehicles which have been carried on the motor vehicle may be moved from it to the trailer after a journey ends;''.

(2) In regulation 10(6)(*b*) (overall length) after the word ''part'' there shall be inserted ''forward of any front wall or rearward of any rear wall''.

(3) In regulation 40A (rear under-run protection)—

(*a*) in paragraph (2)—

(i) in sub-paragraph (*g*), after the word ''apparatus'' there shall be inserted ''specially designed'',

(ii) at the end of sub-paragraph (*l*), ''or'' shall be deleted,

(iii) at the end of sub-paragraph (*m*), for the full stop there shall be substituted a semi-colon, and

(iv) after sub-paragraph (*m*), there shall be inserted—

''(*n*) a vehicle fitted with a tail lift so constructed that the lift platform forms part of the floor of the vehicle and this part has a length of at

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

(**b**) S.R. 1976 No. 320 as amended by S.Rs. 1980 No. 164, 1983 No. 62 and further amending instruments which are not relevant for the purpose

least 1 metre measured parallel to the longitudinal axis of the vehicle;

(*o*) a trailer of a kind specified in regulation 3(1)(*n*) of the Motor Vehicles (Rear Markings) Regulations (Northern Ireland) 1983(**a**); or

(*p*) a vehicle specially designed, and not merely adapted, for the carriage and mixing of liquid concrete.''

(*b*) in paragraph (4) for the words ''two or more devices which comply with the following requirements'' there shall be substituted ''one or more devices which do not protrude beyond the overall width of the vehicle (excluding any part of the device or devices) and which comply with the following requirements''; and

(*c*) in paragraph (4)(*b*), for the words ''the vehicle;'' there shall be substituted—

''the vehicle, and paragraph II.5.4.2 in the Annex to the Council Directive(**b**) shall not have effect in a case where this requirement is met;''

(4) In regulation 40B (sideguards)—

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

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

''(*c*) until 1st January 1984, to a semi-trailer forming part of an articulated vehicle the total laden weight of which does not exceed 32520 kilograms.''

(5) In regulation 40C (sideguards)—

(*a*) in paragraph (2)—

(i) ''and'' shall be deleted at the end of sub-paragraph (*k*),

(ii) the full stop at the end of sub-paragraph (*l*) shall be substituted by a semi-colon, and

(iii) after sub-paragraph (*l*) there shall be added—

''(*m*) a trailer specially designed and constructed, and not merely adapted, to carry other vehicles loaded on it from the front or the rear;

(*n*) a trailer with a load platform—

(i) no part of any edge of which is more than 60 millimetres inboard from the plane described in paragraph (5)(*c*)(i), and

(ii) the upper surface of which is not more than 750 millimetres from the ground over whichever distance specified in paragraph (5)(*d*) to (*g*) would be applicable to the trailer if this exemption did not apply to it; and

(*o*) a trailer of a kind specified in regulation 3(1)(*n*) of the Motor Vehicles (Rear Markings) Regulations (Northern Ireland) 1983.''

(*b*) in paragraph (5)—

(i) for sub-paragraph (*a*) there shall be substituted—

''(*a*) the outermost surface of every sideguard shall be smooth, essentially rigid and either flat or horizontally corrugated;''

(ii) in sub-paragraph (*b*), after the words ''level ground'' there shall be added ''and in the case of a semi-trailer when its load platform is horizontal'',

(iii) in sub-paragraph (*c*)—

(**a**) S.R. 1983 No. 129

(**b**) Council Directive — Council Directive 70/221/EEC of 20th March, 1970 (O.J. L76, 6.4.1970, p. 23) as amended by Commission Directive 79/490/EEC of 18th April, 1979 (O.J. L128, 26.5.1979, p. 22)

(A) in (i) after the word "cut" where it first occurs there shall be added "within 1.85 metres from the ground",

(B) for (ii), there shall be substituted—

"(ii) in a case where the structure is not cut by the plane described in (i) of this sub-paragraph within 1.85 metres from the ground and the upper surface of the load carrying structure of the vehicle is less than 1.5 metres from the ground, less than the height of that surface; and",

(C) (iii) shall be deleted, and

(D) (iv) shall be re-numbered (iii); and

(*c*) for paragraph (6) there shall be substituted—

"(6) The provisions of paragraph (4) shall apply—

(*a*) in the case of an extendible trailer when it is, by virtue of the extending mechanism, extended to a length greater than its minimum, so as not to require, in respect of any additional distance solely attributable to the extension, compliance with the specifications mentioned in paragraph (5)(*d*) to (*g*);

(*b*) in the case of a vehicle designed and constructed, and not merely adapted, to be fitted with a demountable body or to carry a container (as defined in regulation 86A(4)), when it is not fitted with a demountable body or carrying such a container as if it were fitted with such a body or carrying such a container; and

(*c*) only so far as is practicable in the case of—

(i) a vehicle designed solely for the carriage of a fluid substance in a closed tank which is permanently fitted to the vehicle and provided with valves and hose or pipe connections for loading or unloading; and

(ii) a vehicle which requires additional stability during loading or unloading or while being used for operations for which it is designed or adapted and is fitted on one or both sides with an extendible device to provide such stability.".

(6) After regulation 67 there shall be inserted—

"*Minimum ground clearance*

67A.—(1) Every trailer which is—

(*a*) a goods vehicle; and

(*b*) manufactured on or after 1st April 1984

shall have a minimum ground clearance of not less than 160 millimetres if the trailer has an axle interspace of more than 6 metres but less than 11.5 metres, and a minimum ground clearance of not less than 190 millimetres if the trailer has an axle interspace of 11.5 metres or more.

(2) In this regulation—

"axle interspace" means—

(*a*) in the case of a semi-trailer, the distance between the point of support of the semi-trailer at its forward end and, if it has only one axle, the centre of that axle or, if it has more than one axle, the point half way between the centre of the rearmost axle at the rear and the centre of the foremost axle at the rear, and

(*b*) in the case of any other trailer, the distance between the centre of its front axle or, if it has more than one axle at the front, the point half way between the centre of the foremost axle at the front and the centre of the rearmost axle at the front, and the centre of its rear axle or, if it has more