1983 No. 62

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1983

Made	*24th March 1983*
Coming into operation . . .	*1st May 1983*

The Department of the Environment in exercise of the powers conferred on it by Articles 28(1), 214(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) Regulations (Northern Ireland) 1983 and shall come into operation on 1st May 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)—

(*a*) after the definition of ''close-coupled'' there shall be inserted—

''''closely spaced'' means—

(i) in the case of two axles, they are spaced at a distance apart of not more than 2.5 metres and not less than 1.02 metres; and

(ii) in the case of three axles, the outermost axles are spaced at a distance apart of 3.25 metres or less and no one of those three axles has a plated weight of more than 7500 kilograms;'';

(*b*) after the definition of ''land tractor'' there shall be inserted—

''''large passenger carrying vehicle'' means a motor vehicle which is constructed or adapted to carry more than 8 seated passengers in addition to the driver;'';

(*c*) after the definition of ''pedestrian controlled vehicle'' there shall be inserted—

''''plated weight'', in relation to an axle, means the maximum weight in Great Britain shown for that axle in the plate complying with the requirements of regulation 38(2) or the weight shown for that axle in the foreign plate with which the vehicle is equipped;'';

(*d*) after the definition of ''registered'' there shall be inserted—

''''relevant plate'' means—

(*a*) in relation to a temporarily imported motor vehicle or a temporarily imported trailer, as defined in regulation 77(5), the plate referred to in that definition;

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

(**b**) S.R. 1976 No. 320 as amended by S.Rs. 1978 No. 208 and 1980 No. 164 and a further amending instrument which is not relevant for the purpose

(*b*) in relation to any other vehicle, the plate with which it is equipped in accordance with regulation 38(2);

"relevant train weight" means—

(*a*) in relation to a temporarily imported motor vehicle, as defined in regulation 77(5), the maximum train weight shown on the plate referred to in that definition;

(*b*) in relation to any other motor vehicle, the maximum train weight shown on the plate with which it is fitted in accordance with regulation 38(2);";

(*e*) after the definition of "track laying" there shall be inserted—

""train weight", in relation to a motor vehicle which may draw a trailer, means the maximum laden weight for the motor vehicle together with any trailer which may be drawn by it;".

(2) After regulation 3(6) there shall be inserted—

"(7) for the purposes of regulation 40C and Schedule 4, and the definition in paragraph (1) of "closely spaced", the distance between any two axles shall be obtained by measuring the shortest distance between the line joining the centres of the areas of contact with the road surface of the wheels of one axle and the line joining the centres of the areas of contact with the road surface of the wheels of the other axle.".

(3) In the Table in regulation 5—

(*a*) in item 4, in column 5, after "19" there shall be added "and 40A"; and

(*b*) after item 4 there shall be inserted—

"4A	Council Directive 70/221/EEC of 20th March 1970 (relating to the liquid fuel tanks and rear protective devices for motor vehicles and their trailers) as amended by Commission Directive 79/490/EEC of 18th April 1979	1st October 1981		19 and 40A

(4) For regulation 10 (overall length) there shall be substituted—

"*Overall length*

10.—(1) Save as provided in paragraphs (2) to (5), the overall length of a vehicle of a type specified in an item in column (2) of the Table below shall not exceed the maximum length specified in that item in column (3).

TABLE

(1)	(2)	(3)
Item No.	*Type of Vehicle*	*Maximum length (in metres)*
1.	An articulated vehicle.	15.5
2.	A semi-trailer manufactured on or after 1st May 1983.	12.2

3.	A large passenger-carrying vehicle which is so constructed as to be capable of turning in either direction in a circle which, when traced at ground level by a vertical line passing through any part of the vehicle included in the overall length and the overall width of the vehicle, does not exceed in diameter 24 metres.	12
4.	A motor vehicle not of a type mentioned in item 1 or 3.	11
5.	A trailer which is not a semi-trailer.	7

(2) The provisions of paragraph (1) shall not apply to—

(*a*) an articulated vehicle constructed and normally used for the conveyance of indivisible loads of exceptional length if each wheel of the vehicle—

(i) is fitted with a pneumatic tyre, or

(ii) is not fitted with a pneumatic tyre but the vehicle is not driven at a speed exceeding 12 miles per hour;

(*b*) a trailer constructed and normally used for the conveyance of indivisible loads of exceptional length;

(*c*) a land implement;

(*d*) any broken-down vehicle which is being drawn by a motor vehicle in consequence of the breakdown; or

(*e*) a trolley vehicle in the course of construction or delivery.

(3) The provisions of paragraph (1) shall have effect as if for the reference to 7 metres there were substituted a reference to 12 metres in the case of a trailer which—

(*a*) has not less than 4 wheels and where the distance between the centres of the respective areas of contact with the road of the foremost and the rearmost wheels on the same side of the trailer is not less than three-fifths of its overall length, and

(*b*) is drawn by a motor vehicle having an unladen weight of 2030 kilograms or more.

(4) The provisions of paragraph (1) shall not apply to a semi-trailer if it—

(*a*) forms part of an articulated vehicle of a type specified in paragraph (2)(*a*), or

(*b*) is constructed and normally used for the purpose of carrying at least two other wheeled vehicles.

(5) The provisions of paragraph (1) shall not apply to a trailer being drying or mixing plant designed for the production of asphalt or of bituminous or tar macadam and used mainly for the construction, repair or maintenance of roads or a road planing machine so used if the overall length of the trailer together with that of the motor vehicle by which it is drawn does not exceed 18.3 metres.

(6) For the purposes of this regulation—

(*a*) the overall length of a trailer excludes any part of the trailer designed primarily for use as a means of attaching it to another vehicle and any fitting designed for use in connection with any such part; and

(*b*) the overall length of a semi-trailer excludes the thickness of any front or rear wall or any other part which does not increase the vehicle's load-carrying space.''.

(5) In regulation 38(1) (certain vehicles to be equipped with plates) for sub-paragraph (*a*) there shall be substituted—

"(*a*) every heavy motor car and motor car first used on or after 1st January 1968 not being—

(i) a dual-purpose vehicle;

(ii) a land tractor;

(iii) a works truck;

(iv) a pedestrian controlled vehicle; or

(v) save as provided in sub-paragraph (*aa*) below, a passenger vehicle;

(*aa*) every large passenger carrying vehicle manufactured on or after 1st May 1983 and first used on or after 1st November 1983;".

(6) After regulation 40 there shall be inserted—

"*Rear under-run protection*

40A.—(1) Except as provided in paragraph (2), this regulation applies to every goods vehicle being either—

(*a*) a motor vehicle with a maximum gross weight (determined as provided in Part I of Schedule 2) which exceeds 3500 kilograms and which is manufactured on or after 1st October 1983 and first used on or after 1st April 1984; or

(*b*) a trailer with an unladen weight which exceeds 1020 kilograms and which is manufactured on or after 1st May 1983.

(2) This regulation does not apply to—

(*a*) a motor vehicle which is incapable by reason of its construction of exceeding a speed of 15 miles per hour on the level under its own power;

(*b*) a motor car or a heavy motor car constructed or adapted to form part of an articulated vehicle;

(*c*) an agricultural trailer;

(*d*) engineering plant;

(*e*) a fire engine;

(*f*) a land tractor;

(*g*) a vehicle fitted at the rear with apparatus for spreading material on a road;

(*h*) a vehicle so constructed that it can be unloaded by part of the vehicle being tipped rearwards;

(*i*) a vehicle owned by the Secretary of State for Defence and used for naval, military or air force purposes;

(*j*) a vehicle to the chassis of which no bodywork is fitted and which is being driven or towed—

(i) for the purpose of a quality or safety check by its manufacturer or a dealer in, or distributor of, such vehicles, or

(ii) by previous arrangement to premises where bodywork is to be fitted or to premises of a dealer in, or distributor of, such vehicles;

(*k*) a vehicle which is being driven or towed to a place where by previous arrangement a device is to be fitted so that it complies with this regulation;

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

(*m*) a trailer specially designed and constructed, and not merely adapted, to carry round timber, beams or girders, being items of exceptional length.

(3) Save as provided in paragraphs (4) and (5), every vehicle to which this regulation applies shall be equipped with a rear under-run protective device.

(4) A vehicle to which this regulation applies and which is fitted with a tail lift, bodywork or other part which renders its being equipped with a rear under-run protective device impracticable shall instead be equipped with two or more devices which comply with the following requirements:—

(*a*) not more than 50 centimetres shall lie between one device and the device next to it;

(*b*) not more than 30 centimetres shall lie between the outermost end of a device nearest to the outermost part of the vehicle to which it is fitted and a vertical plane passing through the outer end of the rear axle of the vehicle on the same side of the vehicle or, in a case where the vehicle is fitted with more than one rear axle, through the outer end of the widest rear axle on the same side of the vehicle;

(*c*) all the devices together shall have the characteristics specified in paragraphs II. 5.4.1 to II. 5.4.5.5.2 in the Annex to the Council Directive save as provided in sub-paragraphs (*a*) and (*b*) and that for the reference in paragraph II. 5.4.5.1 in that Annex to 30 centimetres there shall be substituted a reference to 35 centimetres.

(5) The provisions of paragraph (3) shall have effect so that—

(*a*) in the case of a vehicle which is fitted with a demountable body, the characteristics specified in paragraph II. 5.4.2 in the Annex to the Council Directive shall have effect as if the reference to 10 centimetres were a reference to 30 centimetres and as if in paragraph II. 5.4.5.1 the reference to 30 centimetres were a reference to 35 centimetres; and

(*b*) in the case of a trailer with a single axle or two close-coupled axles, the height of 55 centimetres referred to in paragraph II. 5.4.1 in that Annex is measured when the coupling of the trailer to the vehicle by which it is drawn is at the height recommended by the manufacturer of the trailer.

(6) In this regulation—

"rear under-run protective device" means a device within the description given in paragraph II. 5.4 in the Annex to the Council Directive;

"the Council Directive" means Council Directive 70/221/EEC of 20th March 1970 as amended by Commission Directive 79/490/EEC of 18th April 1979;

"outermost part", in relation to a vehicle, does not include a door, hinged side or other adjustable part of the vehicle when opened or extended or a driving mirror or direction indicator.

Sideguards

40B.—(1) Save as provided in paragraph (2), on and after 1st May 1983 every semi-trailer having a relevant plate showing a maximum gross weight exceeding 26000 kilograms shall be securely fitted with a sideguard to give protection on any side of the vehicle where the distance between its foremost axle and the centre of its king pin, or in the case of a vehicle which has more than one king pin, the rearmost one, exceeds 4.5 metres.

(2) The requirements specified in paragraph (1) shall not apply—

(*a*) in a case where the relevant train weight of an articulated vehicle of which the semi-trailer forms a part does not exceed 32520 kilograms, or

(*b*) to a semi-trailer to which regulation 40C applies or which is a vehicle mentioned in paragraph (2) of that regulation.

(3) A sideguard with which a vehicle is by this regulation required to be fitted shall comply with the specifications listed, in relation to vehicles to which regulation 40C applies, in paragraph (5)(*a*) to (*k*) of that regulation save as provided in paragraph (6) of that regulation.