1980 No. 164

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1980

Made	*20th May 1980*
Coming into operation . . .	*23rd June 1980*

The Department of the Environment in exercise of the powers conferred by sections 26, 27 and 189 of the Road Traffic Act (Northern Ireland) 1970(**a**) and now vested in it(**b**) 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) 1980 and shall come into operation on 23rd June 1980.

Exemptions

2. Every motor vehicle registered under the Vehicles (Excise) Act (Northern Ireland) 1972(**c**) before the expiration of one year from 20th May 1980 shall be exempt from the requirements of regulation 17(3)(*a*)(iv) and (*c*)(ii), (5), (8)(vii) and (10)(*a*) for a period of 5 years from that date, provided that it complies with the requirements of the regulations to which it would have been subject immediately prior to that date.

Regulations amended

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

(1) In regulation 3(1), after the definition of "safety glass" there shall be inserted the following definition—

> ""semi-trailer" means a trailer which is constructed or adapted to form part of an articulated vehicle;".

(2) In regulation 4, for paragraph (6) there shall be substituted the following paragraph—

> "(6) Part II, except regulations 10, 41, 42, 46, 50, 55 and 63, shall not apply to any motor vehicle manufactured in the United Kingdom which—
>
> (*a*) is exempt from car tax by virtue of paragraph 7 or 8 of Schedule 7 to the Finance Act 1972(**e**):
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> Provided the vehicle complies in every respect with the requirements specified in paragraph (5) and contained in the Conventions of 1949 and 1926 therein referred to as if the vehicle had been brought temporarily into Northern Ireland; or

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(**a**) 1970 c. 2 (N.I.) as amended by S.I. 1973/1229 (N.I. 17) Sch. 3
(**b**) S.R. & O. (N.I.) 1973 No. 504 Article 5(*b*) (II, p. 2992)
(**c**) 1972 c. 10 (N.I.)
(**d**) S.R. 1976 No. 320 (II, p. 1537) as amended by S.R. 1978 No. 208 (I, p. 669)
(**e**) 1972 c. 41

(*b*) has been zero rated under regulation 49 or 50 of the Value Added Tax (General) Regulations 1977(**f**).''.

(3) In regulation 5, for item 11 in the table there shall be substituted the following item—

''11	Council Directive 77/541/EEC of 28th June 1977(**g**) (relating to safety belts and restraint systems of motor vehicles)	1st February 1979	17(8)(iii)''.

(4) For regulation 17 there shall be substituted the following regulation—

''*Seat belts and anchorage points*

17.—(1) Except as provided by paragraph (2), this regulation applies to—

(*a*) every motor car manufactured on or after 1st July 1964 and registered on or after 1st January 1965; and

(*b*) every three-wheeled motor cycle, the unladen weight of which exceeds 255 kilograms and which was manufactured on or after 1st March 1970 and first used on or after 1st September 1970.

(2) This regulation does not apply to—

(*a*) a goods vehicle (other than a dual-purpose vehicle), being a motor car which—

(i) was manufactured before 1st September 1966, or

(ii) was registered before 1st May 1967, or

(iii) is a vehicle manufactured on or after 1st October 1979 and first used on or after 1st April 1980 and has a maximum gross weight in Northern Ireland (determined in accordance with the provisions of Schedule 2) exceeding 3500 kilograms, or

(iv) is a vehicle manufactured before 1st October 1981 or first used before 1st April 1982, which is of a model first manufactured before 1st October 1979 and has an unladen weight exceeding 1525 kilograms;

(*b*) a passenger vehicle or dual-purpose vehicle being in either case a vehicle constructed or adapted to carry more than twelve passengers exclusive of the driver;

(*c*) a land tractor or an industrial tractor which is not in either case a motor tractor;

(*d*) a motor tractor;

(e) a works truck;

(*f*) an electrically-propelled goods vehicle;

(*g*) a pedestrian controlled vehicle;

(*h*) a vehicle which has been used on roads outside Northern Ireland and has been imported into Northern Ireland whilst it is being driven after its importation into Northern Ireland on the journey from the place where it has arrived in Northern Ireland to a place of residence of the owner or driver of the vehicle, and on the journey from any such place

(**f**) S.I. 1977/1759 (1977 III, p. 4974)
(**g**) O. J. L220, 29.8.1977, p. 95

to a place where, by previous arrangement, the vehicle will be provided with such anchorage points and seat belts as will comply with the requirements of this regulation; or

(*i*) a vehicle which is incapable by reason of its construction of exceeding a speed of 16 miles per hour on the level under its own power.

(3) (*a*) This paragraph applies to every vehicle to which this regulation applies being—

(i) a vehicle constructed or adapted to have more than eight passenger seats exclusive of the driver's seat,

(ii) a motor ambulance,

(iii) a motor caravan,

(iv) any other vehicle which is manufactured before 1st October 1981 or first used before 1st April 1982.

(*b*) Every vehicle to which this paragraph applies shall be equipped with anchorage points which are designed to hold securely in position on the vehicle seat belts for the driver's seat and the specified passenger's seat (if any).

(*c*) The anchorage points required under sub-paragraph (*b*) shall either—

(i) at the date on which the vehicle is manufactured, comply—

(A) in the case of a vehicle to which either the Council Directive or the ECE Regulation applies, with the Council Directive requirements or with the ECE Regulation requirements, or

(B) in the case of a vehicle to which neither the Council Directive nor the ECE Regulation applies, with standards identical to the Council Directive requirements or the ECE Regulation requirements; or

(ii) be fitted to a vehicle which was manufactured before 1st October 1981 or first used before 1st April 1982 and which is legibly and permanently marked—

(A) if it does not have integral seat belt anchorages and is a motor car manufactured on or after 1st September 1966 and registered on or after 1st May 1967 or a three-wheeled motor cycle manufactured on or after 1st April 1972 and first used on or after 1st October 1972, with the specification number of a British Standard for seat belt anchorage points, namely either BS AU 48: 1965 or BS AU 48a; or

(B) if it has integral seat belt anchorages provided on or after 1st January 1969 and is a motor car manufactured on or after 1st September 1966 and registered on or after 1st May 1967 or if it has integral seat belt anchorages provided on or after 1st June 1972 and is a three-wheeled motor cycle manufactured on or after 1st July 1971 and first used on or after 1st June 1972, with the specification number of a British Standard for seats with Integral Seat Belt Anchorages, namely either BS AU 140: 1967 or BS AU 140a.

(*d*) In any case where a vehicle (other than a motor cycle which was first used before 1st October 1972) is required to be marked in accordance with the provisions of sub-paragraph (*c*)(ii)(B), the seat, being a seat with integral seat belt anchorages, shall be legibly and permanently marked with the specification number of a British Standard for seats with Integral

Seat Belt Anchorages followed by the suffix "I", namely either BS AU 140/1: 1967 or BS AU 140a/1.

(4) Every vehicle to which this regulation applies, not being a vehicle specified in paragraph (3), shall be equipped with anchorage points—

(*a*) which are designed to hold securely in position on the vehicle seat belts for every forward-facing seat constructed or adapted to accommodate one adult, and

(*b*) which, at the date on which the vehicle is manufactured, comply—

(i) in the case of a vehicle to which either the Council Directive or the ECE Regulation applies, with the Council Directive requirements or with the ECE Regulation requirements, or

(ii) in the case of a vehicle to which neither the Council Directive nor the ECE Regulation applies, with standards identical to the Council Directive requirements or the ECE Regulation requirements.

(5) Save as provided in paragraph (6)—

(*a*) every vehicle to which this regulation applies which is a vehicle manufactured before 1st October 1980 or first used before 1st April 1981 shall be provided with—

(i) a body-restraining seat belt, designed for use by an adult, for the driver's seat, and

(ii) a body-restraining seat belt for the specified passenger's seat (if any); and

(*b*) every other vehicle to which this regulation applies shall be provided with seat belts for the driver's seat and for the specified passenger's seat (if any) which belts—

(i) restrain the upper and lower parts of the torso,

(ii) include a lap belt,

(iii) are anchored at no less than three points, and

(iv) are designed for use by an adult.

(6) The requirements specified in paragraph (5) shall not apply—

(*a*) to a vehicle—

(i) while it is being used under a trade licence within the meaning of the Vehicles (Excise) Act (Northern Ireland) 1972 or the Vehicles (Excise) Act 1971(**h**), or

(ii) while it is being driven from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles—

(A) to premises of a distributor of or dealer in vehicles or of the purchaser of the vehicle, or

(B) to premises of a person obtaining possession of the vehicle under a hiring agreement or hire-purchase agreement; or

(*b*) in relation to the driver's seat or the specified passenger's seat (if any) of a vehicle which has been specially designed and constructed, or specially adapted, for the use of a person suffering from some physical defect or disability, in a case where a disabled person's seat belt for an adult person is provided for use for that seat.

(7) Every seat belt, other than a disabled person's seat belt, provided in pursuance of this regulation shall be properly secured to all the anchorage points provided for it in pursuance of paragraphs (3) or (4).

(**h**) 1971 c. 10

(8) Subject to paragraph (9), where a seat belt other than—

(*a*) a restraining device for a young person,

(*b*) a seat belt comprising a lap belt and shoulder straps, or

(*c*) a disabled person's seat belt

is provided in pursuance of this regulation for a motor car or a motor cycle in either case manufactured on or after 1st October 1972 and first used on or after 1st April 1973, the following additional conditions shall apply as respects that seat belt—

(i) the belt shall be so arranged that a person can, when sitting in the seat for which the belt is provided and with the belt previously adjusted to fit him, remove the belt from the device required by sub-paragraph (iii) and by using one hand, or by taking the belt with one hand and transferring it from one hand to the other, put the belt on;

(ii) the fastenings by means of which the belt is secured on the wearer shall be so designed that they can be engaged with a single movement of one hand in one direction and released with such a movement in one direction;

(iii) an efficient device, unlikely to become dislodged in normal use, for retaining the belt in position when stowed away shall be provided, and the centre of the device shall be located not more than 75 millimetres behind a point which is in the same horizontal plane and is positioned on the rear side of the door aperture provided for access to the front seat:

For the purpose of determining the position of the said point the door and any rubber, felt or other soft trimming or sealing material around the door aperture shall be disregarded;

(iv) the said device shall be at a sufficient height from the floor of the vehicle to ensure that, so far as is practicable, any part of the belt that would come in contact with the clothing of a person wearing the belt in normal circumstances does not lie on the floor when the belt is in the stowed position;

(v) it shall be possible to stow away the belt for retention on the device mentioned in sub-paragraph (iii) without employing any manual device for adjusting the belt to fit the wearer;

(vi) the belt, after being put on by the wearer, shall either adjust automatically to fit him or be such that the said manual device shall be convenient to use and capable of being operated with one hand so as to tighten the belt; and

(vii) in the case of a vehicle manufactured on or after 1st October 1980 and first used on or after 1st April 1981—

(A) if it is a vehicle to which Council Directive 77/541/EEC of 28th June 1977(i) applies, the belt shall comply with the installation requirements specified in paragraphs 3.2.2 to 3.3.4 of Annex I to that Directive; or

(B) if it is a vehicle to which that Directive does not apply the belt shall comply with standards identical to those installation requirements:

(i) O.J. L220, 29.8.1977, p. 95