1978 No. 208

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1978

Made . . . . . *25th July* 1978

Coming into operation . . . *1st September* 1978

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), 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) 1978 and shall come into operation on 1st September 1978.

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

(1) In regulation 3(1) in the meaning given to the expression "close-coupled" for "840 millimetres" there shall be substituted "1 metre".

(2) In regulation 5 for paragraphs (2) and (3) and the table there shall be substituted the following paragraphs and table:

"(2) Where in the case of any motor vehicle or trailer to which this regulation applies the type approval certificate or, as the case may be, the certificate of conformity in question has been issued by reason of the vehicle's conforming to the requirements of a Community Directive specified in column 2 of the table set out below and the vehicle is first used on or after the date specified opposite to that Directive in column 3 of that table, and, in a case where a date is specified opposite to that Directive in column 4 of that table, before the date so specified, then that one or more (as the case may be) of these Regulations which are specified opposite to that Directive in column 5 of that table shall not apply to that vehicle.

(3) In paragraph (1) "member State" means any State which is a member of the European Economic Community.

(a) 1970 c. 2 (N.I.)
(b) S.R. & O. (N.I.) 1973 No. 504 Article 5(*b*) (II, p. 2992)
(c) S.R. 1976 No. 320 (II, p. 1537)

TABLE

1	2	3	4	5
Item No.	*The Community Directives to whose requirements the vehicle must conform*	*Date on or after which the vehicle is first used*	*Date before which the vehicle is first used*	*Regulations from which the vehicle is exempted*
1	Council Directive 71/320/EEC of 26th July 1971(d) (relating to the braking devices of certain categories of motor vehicles and their trailers)	1st July 1973		13, 14, 45, 48, 52, 57, 64 and 68
1A	Council Directive 71/320/EEC of 26th July 1971 (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directive 74/132/EEC of 11th February 1974(e)	1st October 1974		13, 14, 45, 48, 52, 57, 64 and 68
1B	Council Directive 71/320/EEC of 26th July 1971 (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directive 74/132/EEC of 11th February 1974 and by Commission Directive 75/524/EEC of 25th July 1975(f)	1st January 1976		13, 14, 45, 48, 52, 57, 64 and 68
2	Council Directive 70/387/EEC of 27th July 1970(g) (relating to the doors of motor vehicles and their trailers)	1st July 1973		15
3	Council Directive 74/297/EEC of 4th June 1974(h) relating to the interior fittings of motor vehicles (the behaviour of the steering mechanism in the event of an impact)	4th December 1975		16

(d) O.J. L202, 6.9.71, p. 37 (S.E. 1971 (III), p. 746)
(e) O.J. L74, 19.3.1974, p. 7
(f) O.J. L236, 8.9.1975, p. 3
(g) O.J. L176, 10.8.1970, p. 5 (S.E. 1970 (II), p. 564)
(h) O.J. L165, 20.6.1974, p. 16

1 *Item No.*	2 *The Community Directives to whose requirements the vehicle must conform*	3 *Date on or after which the vehicle is first used*	4 *Date before which the vehicle is first used*	5 *Regulations from which the vehicle is exempted*
4	Council Directive 70/221/EEC of 20th March 1970(i) (relating to the liquid fuel tanks and rear protective devices for motor vehicles and their trailers)	1st July 1973		19
5	Council Directive 71/127/EEC of 1st March 1971(j) (relating to the rear-view mirrors of motor vehicles)	1st July 1973		23(3)
6	Council Directive 70/388/EEC of 27th July 1970(k) (relating to the audible warning devices for motor vehicles)	1st July 1973		27(3)
7	Council Directive 70/157/EEC of 6th February 1970(l) (relating to the permissible sound level and exhaust system of motor vehicles)	1st July 1973		29
7A	Council Directive 70/157/EEC of 6th February 1970 (relating to the permissible sound level and exhaust system of motor vehicles) as amended by Commission Directive 73/350/EEC of 7th November 1973(m)	1st March 1974		29
8	Council Directive 72/245/EEC of 20th June 1972(n) (relating to the suppression of radio interference produced by spark-ignition engines fitted to motor vehicles)	1st April 1974		30

(i) O.J. L76, 6.4.1970, p. 23 (S.E. 1970 (I), p. 192)
(j) O.J. L68, 22.3.1971, p. 1 (S.E. 1971 (I), p. 136)
(k) O.J. L176, 10.8.1970, p. 12 (S.E. 1970 (II), p. 571)
(l) O.J. L42, 23.2.1970, p. 16 (S.E. 1970 (I), p. 111)
(m) O.J. L321, 22.11.1973, p. 33
(n) O.J. L152, 6.7.1972, p. 15 (S.E. 1972 (II), p. 637)

1	2	3	4	5
Item No.	*The Community Directives to whose requirements the vehicle must conform*	*Date on or after which the vehicle is first used*	*Date before which the vehicle is first used*	*Regulations from which the vehicle is exempted*
9	Council Directive 70/220/EEC of 20th March 1970(o) (relating to the measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles)	10th November 1973	1st April 1977	34
9A	Council Directive 70/220/EEC of 20th March 1970 (relating to the measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles) as amended by Council Directive 74/290/EEC of 28th May 1974(p)	1st January 1975		34
10	Council Directive 72/306/EEC of 2nd August 1972(q) (relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles)	2nd February 1974		35
11	Council Directive 76/115/EEC of 18th December 1975(r) (relating to anchorages for motor vehicle safety belts)	1st January 1977		17(3) and (8)(*a*), (*b*) and (*c*)
12	Council Directive 75/443/EEC of 26th June 1975(s) (relating to the reverse and speedometer equipment of motor vehicles)	1st January 1977		18

"

(3) In regulation 18, in line 1, there shall be deleted the following—"—(1)".

(o) O.J. L76, 6.4.1970, p. 1 (S.E. 1970 (I), p. 171)
(p) O.J. L159, 15.6.1974, p. 61
(q) O.J. L190, 20.8.1972, p. 1 (S.E. 1972 (III), p. 889)
(r) O.J. L24, 30.1.1976, p. 6
(s) O.J. L196, 26.7.1975, p. 1

(4) After regulation 27(5)(*f*) there shall be inserted the following sub-paragraphs—

"(*g*) motor vehicles owned by the Secretary of State for Defence and used by the Royal Air Force Mountain Rescue Service for the purposes of rescue operations in connection with crashed aircraft or any other emergencies;

(*h*) motor vehicles owned by the Royal National Lifeboat Institution and used for the purposes of launching lifeboats.".

(5) For regulation 34 there shall be substituted the following regulation—

"**34.**—(1) Except as provided by paragraph (2), this regulation applies to every motor vehicle first used on or after 31st December 1976 which is propelled by a spark ignition engine.

(2) This regulation does not apply to—

(*a*) a vehicle with less than four wheels, if—

(i) its weight, whether laden or unladen, does not exceed 400 kilograms; or

(ii) it is not so constructed as to be capable of exceeding a speed of 30 miles per hour on the level under its own power;

(*b*) a vehicle, the weight of which whether laden or unladen exceeds 3,500 kilograms; or

(*c*) a vehicle manufactured by the Ford Motor Company Limited and identified by either model number A.0407 or model number A.0410 and first used before 1st January 1977.

(3) Every vehicle to which this regulation applies and which is manufactured before 31st December 1976 or first used before 1st April 1977 shall be legibly and indelibly marked in a conspicuous and readily accessible position with either—

(i) the marking designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976(t) and shown at item 40 in Schedule 2 to those Regulations, or

(ii) the marking designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976 and shown at item 41 in Schedule 2 to those Regulations.

(4) Every vehicle to which this regulation applies and which is manufactured on or after 31st December 1976 and first used on or after 1st April 1977 shall be legibly and indelibly marked in a conspicuous and readily accessible position with the marking designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976 and shown at item 41 in Schedule 2 to those Regulations.".

(6) In regulation 35—

(*a*) in paragraph (1), for the words "subject to the provisions of paragraph (3)" there shall be substituted the words "Subject to the provisions of paragraphs (3) and (4)"; and

(t) S.I. 1976/2226 (1976 III, p. 6233)