2004 No. 30

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Approval) (Amendment) Regulations (Northern Ireland) 2004

Made - - - - - 2nd February 2004

Coming into operation 31st March 2004

The Department of the Environment, in exercise of the powers conferred on it by Articles 31A(1), 31D(1) and (3) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Approval) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 31st March 2004.

(2) In these Regulations "the principal Regulations" means the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001(**b**).

Amendment to regulation 2 (interpretation)

2. In regulation 2(1) of the principal Regulations –

(a) at the beginning there shall be inserted –

" "the 1995 Order" means the Road Traffic (Northern Ireland) Order 1995(**c**);";

(b) after the definitions beginning "axle weight" there shall be inserted –

" "bi-purpose vehicle" means a vehicle constructed or adapted for the carriage of both goods and not more than eight passengers, not being a vehicle to which the 1985 Regulations apply nor a motor caravan;";

(c) after the definition of "family of types" there shall be inserted –

" "goods vehicle" means a vehicle of a kind specified in regulation 3A(1)(a);

"hire agreement" means an agreement for the bailment of a vehicle which is not a hire-purchase agreement;

"hire-purchase agreement" has the same meaning as in the Consumer Credit Act 1974(**d**);";

(d) after the definition of "relevant vehicle" there shall be inserted –

" "recovery vehicle" has the meaning given in paragraph 5(2) of Part V of Schedule 1 to the Vehicle Excise and Registration Act 1994(**e**);" and

(e) after the definition of "subject matter" there shall be added –

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2 (2) for the definition of "Department"; Articles 31A and 31D were inserted by S.I. 1985/755 (N.I. 6), Article 3 and amended by S.R. 1993 No. 246, regulations 4 and 5 respectively
(**b**) S.R. 2001 No. 172
(**c**) S.I. 1995/2994 (N.I. 18)
(**d**) 1974 c. 39
(**e**) 1994 c. 22

" "the Testing Regulations" means the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003(**a**).".

New regulation 3A (application of Regulations)

3. After regulation 3 of the principal Regulations there shall be inserted –

"**3A.**—(1) Subject to paragraph (3), these Regulations apply to –

(a) every motor vehicle manufactured on or after 31st March 2004 and which –

(i) either has a design gross weight not exceeding 3,500 kg or complies with the requirements specified in paragraph (2),

(ii) has three or more wheels, and

(iii) is either a goods vehicle, the tractive unit of an articulated vehicle (as defined in regulation 2(1) of the Construction and Use Regulations) or a bi-purpose vehicle; and

(b) parts of any such vehicles.

(2) The requirements referred to in paragraph (1)(a)(i) are that the vehicle in question –

(a) has a design gross weight exceeding 3,500 kg but not exceeding 5,500 kg;

(b) has a kerbside weight not exceeding 3,425 kg; and

(c) belongs to the same family of types as at least one vehicle to which these Regulations apply by virtue of paragraph (1)(a) and which has been granted a Department's approval certificate on the basis that it complies with the approval requirements by virtue of these Regulations.

(3) These Regulations do not apply to, or to the parts of, any of the following vehicles, that is to say –

(a) a vehicle brought temporarily into Northern Ireland and which –

(i) displays a registration mark mentioned in regulation 2(1) of the Motor Vehicles (International Circulation) (Registration and Licensing) Regulations (Northern Ireland) 1963(**b**), and

(ii) complies in every respect with the requirements relating to motor vehicles contained in –

(A) Article 21 and paragraph (1) of Article 22 of the Convention on Road Traffic concluded at Geneva on 19th September 1949(**c**), and Part I, Part II (so far as it relates to direction indicators and stop lights) and Part III of Annex 6 to that Convention; or

(B) paragraphs I, III and VIII of Article 3 of the International Convention relative to Motor Traffic concluded at Paris on 24th April 1926(**d**);

(b) a vehicle which is to be exported from Northern Ireland and which either –

(i) has not been used on a road in Northern Ireland for any purpose except that of proceeding from the place where it was manufactured to the place from which it is to be taken out of Northern Ireland, or

(ii) satisfies the criteria of being zero-rated under regulation 132 or 133 of the Value Added Tax (General) Regulations 1995(**e**);

(c) a vehicle in the service of a visiting force or of a headquarters (as defined in Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(**f**));

(d) a vehicle to which Articles 65 to 69 of the 1995 Order have become applicable after a period of use on roads during which, by virtue of Article 108(2) of that Order (which relates to vehicles in the public service of the Crown), those Articles did not apply to that vehicle;

(**a**) S.R. 2003 No. 304
(**b**) S.R. & O. (N.I.) 1963 No. 79 as amended by S.R. & O. (N.I.) 1969 No. 172
(**c**) Cmnd. 7997
(**d**) Treaty Series, No. 11 (1930)
(**e**) S.I. 1995/2518, relevant amending Regulations are S.I. 2000/258
(**f**) S.I. 1965/1536

(e) a motor vehicle which is of a new or improved type, or is fitted with equipment of a new or improved type, and which has been constructed to that type or fitted with that equipment, for the purpose of tests or trials or for use as a prototype, and –

(i) is not intended for general use on roads, and

(ii) in the case of a vehicle first used on a road on or after 31st March 2004, remains in the ownership and use of –

(A) if the vehicle is of a new or improved type the manufacturer of the vehicle, or

(B) if the vehicle is fitted with equipment of a new or improved type the manufacturer of the equipment or the manufacturer of the vehicle on which that equipment is used;

(f) a motor vehicle which is of a new or improved type provided that the conditions specified in paragraph (4) are satisfied;

(g) a light locomotive, a heavy locomotive and a motor tractor (all as defined in Article 3(1) of the 1995 Order);

(h) an agricultural motor vehicle, engineering plant, a pedestrian-controlled vehicle, a straddle carrier, a works truck and a vehicle which is track-laying (all as defined in regulation 2(1) of the Construction and Use Regulations);

(i) a vehicle the use of which on a road is authorised by Article 15, 17 or 19 of the Motor Vehicles (Authorisation of Special Types) Order 1997(**a**);

(j) a tower wagon as defined in paragraph 6(a) of Schedule 2 to the Testing Regulations;

(k) a fire engine (including an air field crash tender);

(l) a road roller;

(m) a vehicle propelled by steam;

(n) a vehicle constructed for the purpose of preventing or reducing the effect of snow or ice on roads, either by spreading grit or other material, by scooping or sweeping, or by other means;

(o) a two-wheeled motor cycle, with or without a sidecar;

(p) an electrically-propelled vehicle;

(q) a break-down vehicle (as defined in regulation 2(1) of the Testing Regulations);

(r) an ambulance;

(s) a motor caravan; or

(t) a recovery vehicle first used before 1st January 1988.

(4) The conditions referred to in paragraph (3)(f) are that the vehicle –

(a) was at the date of manufacture owned by the manufacturer of the vehicle and has remained in his ownership;

(b) has not been offered for sale by him;

(c) has not been let or offered for letting under a hire agreement or a hire-purchase agreement; and

(d) has not been used on a road for any purpose other than for, or in connection with, publicity, demonstration or evaluation of vehicles of the new or improved type.".

Amendment to regulation 4 (approval requirements for relevant vehicles)

4.—(1) Regulation 4 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) After paragraph (3) there shall be inserted –

"(3A) The items in Schedule 2 numbered 1, 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21 and 23 and the items in Schedule 3 numbered 3, 8, 10, 11, 26, 27 and 28 shall not apply to goods vehicles.".

(3) For paragraph (6) there shall be substituted –

(**a**) S.R. 1997 No. 109

"(6) Where a provision of any Community Instrument or ECE Regulation is applied by Schedule 3, that provision as so applied shall (except in so far as the contrary intention appears) have effect in relation to –

(a) a vehicle to which the 1985 Regulations apply as it has effect in relation to a vehicle of category M1; and

(b) a goods vehicle as it has effect in relation to a vehicle of category N1.".

Amendment to regulation 12 (licences not to be issued for vehicles unless appropriate certificates are in force)

5. In regulation 12 of the principal Regulations, after the words "Article 31A of the Order" there shall be inserted "or any corresponding enactment having effect in Great Britain".

Amendment to Schedule 2 (approval requirements for relevant vehicles)

6.—(1) Schedule 2 to the principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In column 4 of item 7, for the word "Appendix", wherever it appears, there shall be substituted "Appendices 1 and 2".

(3) After item 24 there shall be added the following item –

"Item	*Subject matter*	*Requirement*	*Definitions and supplementary provisions*	*Exemptions and modifications*
25	Plate for goods vehicles	Every goods vehicle shall comply with the requirements of paragraphs (2) and (3) of regulation 79 of the Construction and Use Regulations.".		

(4) For the heading of the Appendix, there shall be substituted –

"APPENDIX 1 TO SCHEDULE 2 (Item 7, Rear-view mirrors)

(All passenger vehicles and goods vehicles having a maximum gross weight not exceeding 2 tonnes)".

(5) After Appendix 1 there shall be added the Appendix set out in Schedule 1.

Amendment to Schedule 3 (approval requirements for relevant vehicles except Schedule 1 vehicles)

7. For item 4 in Schedule 3 to the principal Regulations there shall be substituted the item set out in Schedule 2.

Amendment to Schedule 4 (form of Department's approval certificate)

8.—(1) Schedule 4 to the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) For the words "NORTHERN IRELAND TYPE APPROVAL" there shall be substituted "NORTHERN IRELAND NATIONAL TYPE APPROVAL".

(3) Under the box entitled "Design Weights" there shall be inserted "NOTE: In the case of a goods vehicle the design weights shown are also the plated weights.".

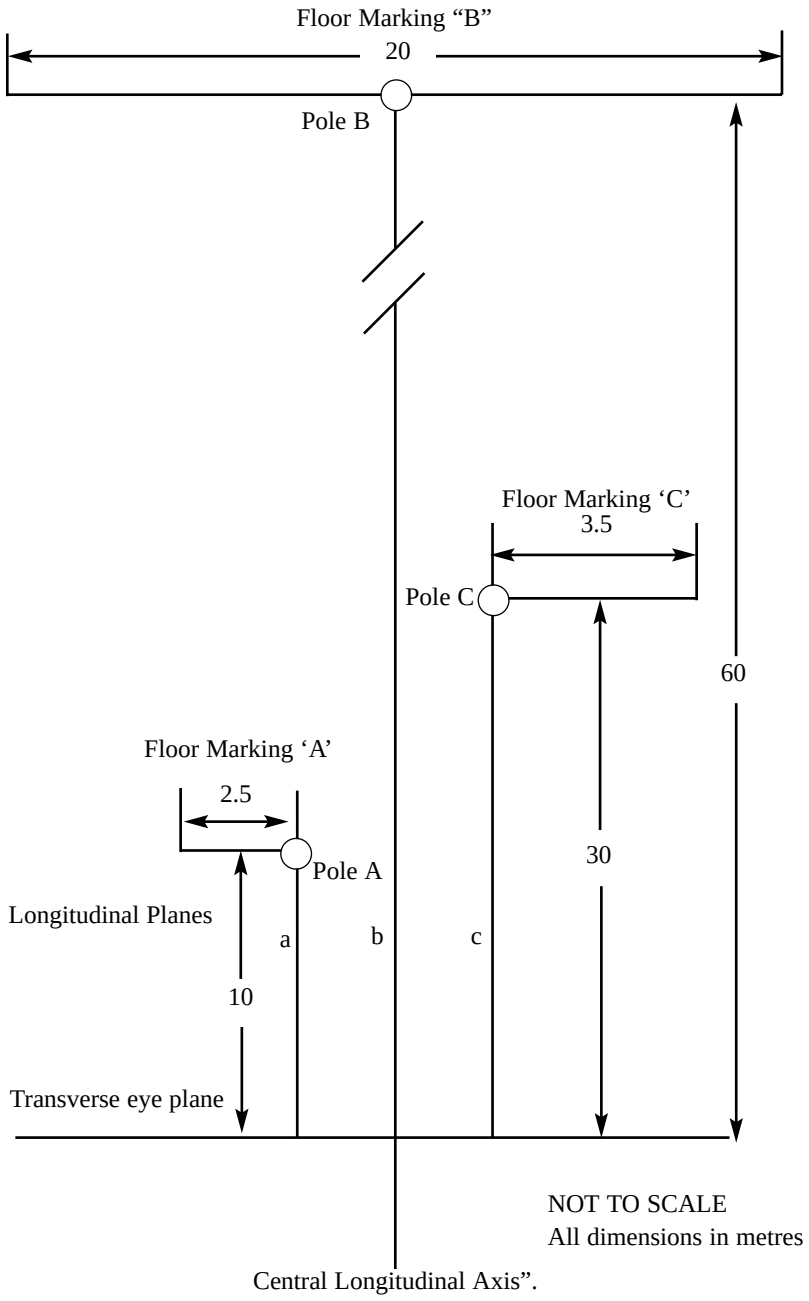
(4) For the word "Category" there shall be substituted "Category (passenger (M1)/goods (N1))".

Sealed with the Official Seal of the Department of the Environment on 2nd February 2004.

(L.S.) *Wesley Shannon*
A senior officer of the Department of the Environment

"APPENDIX 2 TO SCHEDULE 2 (Item 7, Rear-view mirrors)

(Goods vehicles having a maximum gross weight exceeding 2 tonnes)



SCHEDULE 2

Regulation 7

"Item	*Subject matter*	*Design, construction and equipment requirements*			*Definitions and supplementary provisions*	*Exemptions and modifications*
		(a) Date of manufacture of the vehicle	*(b) Community Instrument*	*(c) ECE Regulation*		
4	Exhaust emissions	1st January 1993	Directive 70/220/EEC, as last amended by Directive 91/441/EEC, Annex I, paragraphs 5, 7 and 8 (applies only to **passenger cars)**	83.01, paragraphs 5, 8 and 13	For the purposes of this item – "passenger car" means a motor vehicle which – (a) is constructed or adapted to carry passengers and is not a goods vehicle; (b) *has no more than 6 seats including the driver's seat; and (c) has a maximum gross weight not exceeding 2,500 kg. *Note: (b) does not apply to vehicles manufactured after 1st January 2001.	
		1st October 1994	Directive 93/59/EEC Annex I, paragraphs 5, 7 and 8 (applies only to vehicles other than **passenger cars**)	83.01, paragraphs 5, 8 and 13		
		1st January 1997	Directive 94/12/EC, Annex I, paragraph 5 (applies only to **passenger cars)**	83.02, paragraph 5	"Reference mass" has the same meaning as in Directive 70/220/EEC as last amended by Directive 96/69/EC.	
		1st October 1997 (applies from this date to **Class I vehicles**)	Directive 96/69/EC, Annex I, paragraph 5	83.03, paragraph 5	"Class I vehicle" means a goods vehicle (category NI) which has a **reference mass** not exceeding 1,305 kg.	
		1st October 1998 (applies from this date to vehicles of category M1 other than **passenger cars**, **Class II** and **Class III vehicles**)	Directive 96/69/EC, Annex I, paragraph 5	83.03, paragraph 5	"Class II vehicle" means a goods vehicle (category NI) which has a **reference mass** exceeding 1,305 kg but not exceeding 1,760 kg.	

"Item	*Subject matter*	*Design, construction and equipment requirements*			*Definitions and supplementary provision*	*Exemptions and modifications*
		(a) Date of manufacture of the vehicle	*(b) Community Instrument*	*(c) ECE Regulation*		
					"Class III" vehicle means a goods vehicle (category NI) which has a **reference mass** exceeding 1,760 kg.	
		1st October 1999	Directive 98/77/EC, Annex I, paragraph 5 (applies to vehicles fuelled by liquid petroleum gas or compressed natural gas)	83.04, paragraph 5		
		1st January 2001 (applies from this date to **passenger cars** and **Class I vehicles**)	Directive 98/69/EC, Annex I, paragraph 5 (Phase I limits)			
		1st January 2002 (applies from this date to vehicles of category M1 other than **passenger cars**, **Class II** and **Class III vehicles**)	Directive 98/69/EC, Annex I, paragraph 5 (Phase 1 limits)			
		1st January 2003 (until this date, a **diesel passenger vehicle** is treated as a vehicle of category NI)	Directive 98/69/EC, Annex I, paragraph 5 (Phase 1 limits)		"Diesel passenger vehicle" means a vehicle of category M1 the maximum mass of which exceeds 2,000 kg, fitted with a compression ignition engine, and which is –	

		1st January 2006 (applies from this date to **passenger cars** and **Class I vehicles**) 1st January 2007 (applies from this date to vehicles of category M1 other than **passenger cars**, **Class II** and **Class III vehicles**)	Directive 98/69/EC, Annex I, paragraph 5 (Phase 2 limits) Directive 98/69/EC, Annex I, paragraph 5 (Phase 2 limits)		(a) constructed or adapted to carry more than 6 occupants, including the driver; or (b) an off-road vehicle as defined in Annex II to the 1970 Directive.”.	

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 ("the principal Regulations") established a statutory system for approving the construction of single vehicles before entering into service. The principal Regulations apply to passenger vehicles and dual-purpose vehicles constructed to carry no more than 8 passengers excluding the driver (equivalent to EC category M1) and certain 3-wheeled vehicles having a maximum unladen weight of more than 410 kg (i.e. not motorcycles).

These Regulations replace the Motor Vehicles (Approval) (Amendment) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 124), (the "revoked Regulations"), which were revoked before they came into operation.

These Regulations amend the principal Regulations so as to extend their application to light goods vehicles (maximum gross weight not exceeding 3,500 kg, equivalent to EC category N1) and certain other goods vehicles with a design gross weight not exceeding 5,500 kg.

The Regulations amend regulation 12 of the principal Regulations (which requires appropriate approval certificates issued under Article 31A of the Road Traffic (Northern Ireland) Order 1981 to be in force before a licence is granted under the Vehicle Excise and Registration Act 1994) so as to include approval certificates issued under any corresponding enactment in Great Britain (regulation 5).

The Regulations also correct a minor error in Schedule 4 to the principal Regulations (regulation 8(2)).

The revoked Regulations were notified to the European Commission pursuant to European Parliament and Council Directive 98/34/EC of 22nd June 1998 (O.J. No. L204, 21.7.98, p. 37) as amended by European Parliament and Council Directive 98/48/EC of 20th July 1998 (O.J. No. L217, 5.8.98, p. 18) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services. The European Commission will also be notified of the revocation of the revoked Regulations and their replacement by these Regulations.

Copies of the EC Directives and ECE Regulations referred to in these Regulations may be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.

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