1992 No. 373

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 1992

Made	*25th August 1992*
Coming into operation . .	*1st October 1992*

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(**a**), 28(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**b**) and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 1992 and shall come into operation on 1st October 1992.

Introductory

2. The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**c**) are amended as follows.

Amendments to regulation 2 (interpretation)

3. For the definition of "converter dolly" in regulation 2(1) substitute—

" "converter dolly" means—

(*a*) a trailer which is—

(i) equipped with 2 or more wheels,

(ii) designed to be used in combination with a semi-trailer without any part of the weight of the semi-trailer being borne by the drawing trailer, and

(iii) not itself a part either of the semi-trailer or the drawing vehicle when being so used; or

(*b*) a trailer which is—

(i) equipped with 2 or more wheels,

(ii) designed to be used in combination with a semi-trailer with part of the weight of the semi-trailer being borne by the drawing vehicle,

---

(a) *See* definition of "Department"
(b) S.I. 1981/154 (N.I. 1)
(c) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1991 No. 147 and S.R. 1992 No. 111

(iii) not itself a part either of the semi-trailer or the drawing vehicle when being so used, and

(iv) used solely for the purposes of agriculture, horticulture or forestry, or for any two or for all of those purposes.".

Amendments to regulation 13 (braking systems of certain vehicles first used on or after 1st April 1983)

4. Regulation 13 shall be amended as follows—

(1) In the Table, for sub-paragraph (*c*) in column 2 of item 1 substitute—

"(*c*) vehicles with 3 wheels, an unladen weight not exceeding 410 kg, a maximum design speed not exceeding 50 km/h and an engine capacity not exceeding 50 cc;".

(2) In paragraph (5)(*d*) for "or 13.05" substitute ", 13.05 or 13.06".

(3) For paragraph (7A)(**a**) substitute the following paragraphs—

"(7A) Instead of complying with paragraph (2), a vehicle to which this regulation applies may comply with ECE Regulation(**b**) 13.05 or 13.06.

(7B) Instead of complying with paragraph (3A), a vehicle to which this regulation applies may comply—

(*a*) in the case of a trailer manufactured before 1st April 1992, with ECE Regulation 13.05 or 13.06; or

(*b*) in the case of any vehicle not falling within sub-paragraph (*a*), with ECE Regulation 13.06.".

Amendments to regulation 14 (braking systems of other vehicles)

5. Regulation 14 shall be amended as follows—

(1) In paragraph (2) for the words "regulation 13(1)" onwards substitute the words "regulation 13(1), (2) or (3A), or which complies with Community Directive 79/489, 85/647 or 88/194 or ECE Regulation 13.03, 13.04, 13.05 or 13.06"(**c**).

(2) Paragraph (5A)(**d**) shall be renumbered as paragraph (5B).

(3) For paragraph (5)(**e**) substitute the following paragraphs—

"(5) Subject to paragraphs (5B) and (6), the braking system of a motor cycle to which this regulation applies which is—

(*a*) of a class specified in an item in column 2 of the Table below; and

(b) first used on or after 1st April 1987 and before 22nd May 1995; shall comply with ECE Regulations 13.05, 78 or 78.01 in relation to the category of vehicles specified in that item in column 3.

(**a**) Paragraph (7A) was inserted by S.R. 1992 No. 111, reg. 4(8)

(**b**) "ECE Regulation" is defined in reg. 2(2) of and Table II of Schedule 1 to the principal Regulations. Table II of Schedule 1 is amended by reg. 12 of these Regulations.

(**c**) Reg. 13(1) and (2) was amended by S.R. 1992 No. 111, reg. 4(1) and (2) and reg. 13(3A) was inserted by S.R. 1992 No. 111, reg. 4(4)

(**d**) Paragraph (5A) was inserted by S.R. 1992 No. 111, reg. 5(4)

(**e**) Paragraph (5) was amended by S.R. 1992 No. 111, reg. 5(3)

(5A) Subject to paragraph (6), the braking system of a motor cycle to which this regulation applies and which is—

(*a*) of a class specified in an item in column 2 of the Table below; and

(*b*) first used on or after 22nd May 1995;

shall comply with ECE Regulation 78.01 in relation to the category of vehicles specified in that item in column 3.

TABLE (regulation 14(5) and (5A))

1 *Item*	2 *Class of Vehicle*	3 *Vehicle Category in ECE Regulations*
1	Vehicles (without a sidecar attached) with 2 wheels, an engine capacity not exceeding 50 cc and a maximum design speed not exceeding 50km/h.	L1
2	Vehicles with 3 wheels (including two-wheeled vehicles with a sidecar attached) and with an engine capacity not exceeding 50 cc and a maximum design speed not exceeding 50 km/h.	L2
3	Vehicles with 2 wheels (without a sidecar attached) and with— (*a*) an engine capacity exceeding 50cc, or (*b*) a maximum design speed exceeding 50 km/h.	L3
4	Vehicles with 2 wheels, a sidecar attached and— (*a*) an engine capacity exceeding 50 cc, or (*b*) a maximum design speed exceeding 50 km/h.	L4

"

Amendments to regulation 15 (vacuum or pressure brake warning devices)

6. In regulation 15(2)(*a*)—

(1) for the words "paragraphs (1) or (2)" substitute the words "paragraphs (1), (2) or (3A)"; and

(2) for "or 13.05" substitute ", 13.05 or 13.06".

Amendments to regulation 16 (maintenance and efficiency of brakes)

7. Regulation 16 shall be amended as follows—

(1) After paragraph (1) insert the following paragraphs—

"(1A) Without prejudice to paragraph (3), where a vehicle is fitted with an anti-lock braking system ("the ABS"), then while the condition specified in paragraph (1B) is fulfilled, any fault in the ABS shall be disregarded for the purposes of paragraph (1).

(1B) The condition is fulfilled while the vehicle is completing a journey at the beginning of which the ABS was operating correctly or is being driven to a place where the ABS is to undergo repairs.".

(2) In item 1 in Table 1 and in paragraph (8) for "or 13.05" substitute ", 13.05 or 13.06".

Amendment to regulation 66 (spray suppression devices)

8. Regulation 66 shall be amended as follows—

(1) After paragraph (2), insert the following paragraph—

"(2A) This regulation shall not apply to a vehicle fitted with a spray-suppression system in accordance with the requirements of Annex III of Community Directive 91/226 if the spray suppression devices with which the vehicle is equipped are legibly and permanently marked with a designated approval mark."(**a**).

(2) In paragraph (4), after the definition of "the British Standards Specification" insert the following definition—

" "designated approval mark" means the marking designated as an approval mark by regulation 5 of the Approval Marks Regulations and shown at item 30 in Schedule 4 to those Regulations;"(**b**).

Amendments to Schedule 2 (braking requirements)

9. In the Table in Schedule 2, in items 4 and 6, for "or 13.05" substitute ", 13.05 or 13.06".

Amendments to Schedule 7 (plates for certain vehicles)

10. In Part II of Schedule 7, at the end of Note (*b*) after the word "dolly" add the words "manufactured before 1st October 1992.".

Consequential amendments

11. In Table I of Schedule 1, after item 60 add—

"61	91/226	27.3.91	L103, 23.4.91, p.5	Spray suppression systems of certain categories of motor vehicles and their trailers			".

12. In Table II of Schedule 1—

(1) item 5 shall be re-numbered as item 4A;

(**a**) "Community Directive" is defined in reg. 2(2) and Table 1 of Schedule 1 to the principal Regulations. Table 1 of Schedule 1 is amended by reg. 11 of these Regulations.

(**b**) "The Approval Marks Regulations" is defined in reg. 2(1) of the principal Regulations as the Motor Vehicles (Designation of Approval Marks) Regulations 1979 (S.I. 1979/1088) to which a relevant amending instrument is S.I. 1992/634

(2) after item 4A as so re-numbered insert the following item—

"4B	13.06	13	29.5.69	Brakes	22.11.90	——";

(3) after item 23, insert the following items—

"24	78	78	15.10.88	Brakes	——	——
25	78.01	78	15.10.88	Brakes	22.11.90	——".

Sealed with the Official Seal of the Department of the Environment on 25th August 1992.

(L.S.) *Trevor Pearson*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989 ("the 1989 Regulations"). The amendments relate to converter dollies, braking systems and spray suppression systems.

Converter dollies (regulations 3 and 10)

The definition of "converter dolly" is amended so that a trailer can come within the definition even though part of the weight of the semi-trailer is borne by the towing vehicle, provided the trailer in question is used solely for the purpose of agriculture, horticulture or forestry.

As a consequence, Part II of Schedule 7 is amended so that plates fitted under regulation 68 to converter dollies manufactured on or after 1st October 1992 which impose some load on the drawing vehicle have to state the maximum load imposed on the drawing vehicle.

The opportunity has been taken to make some minor drafting improvements to the definition as it applies to trailers not used for the purposes of agriculture, etc.

Braking Systems (regulations 4 to 7 and 9)

Regulation 13 of the 1989 Regulations requires certain vehicles to comply with the brake requirements set out in various EEC Directives or various ECE Regulations. Previously, three-wheeled vehicles were exempt from this requirement if they had a maximum gross weight of not more than 1,000 kg, a design speed of not more than 40 km/h and an engine capacity of not more than 50 cc. As a result of the amendments, this exemption will apply to vehicles with an unladen weight of not more than 410 kg, a maximum design speed of not more than 50 km/h and an engine capacity of not more than 50 cc. An exemption for motor cycles with a sidecar attached is not affected.

Regulation 13(3A) of the 1989 Regulations (as added by regulation 4(4) of S.R. 1992 No. 111) specifies the Directive applicable to motor vehicles first used on or after 13th April 1992 and trailers manufactured on or after 13th October 1991. These vehicles were previously, in all cases, given the option of complying instead with ECE Regulation 13.05 (see regulation 13(7A) (as inserted by regulation 4(8) of S.R. 1992 No. 111)). With the exception of trailers manufactured before 1st April 1992, the option will now be to comply with ECE Regulation 13.06 and not 13.05.

Previously, regulation 14(5) of the 1989 Regulations imposed certain requirements on motor bicycles (with or without a sidecar) first used on or after 1st April 1987. Regulation 14(5) is replaced by provisions which apply to all motor cycles first used on or after 1st April 1987 which are not subject to regulation 13.

Previously, a vehicle to which regulation 14(5) applied had to comply with ECE Regulation 13.05. The vehicles to which the new provisions apply will have to comply with ECE Regulation 13.05, 78 or 78.01 if they are first used before 22nd of May 1995 or with ECE Regulation 78.01 if they are first used on or after 22nd May 1995.

Regulation 16(1) of the 1989 Regulations requires every part of a braking system to be in good order. The regulation is amended so that in certain circumstances it is permissible to drive a vehicle with a fault in its anti-lock braking system ("ABS"). The exemption enables a vehicle to complete its journey if the fault arose after the journey began or to be driven to a place where the ABS is to be repaired.

Other amendments are consequential upon the making of ECE Regulation 13.06. Various other provisions in regulations 13 to 16 require vehicles to comply, or give vehicles the option of complying, with ECE Regulation 13.05. In all these cases, vehicles are given the option or further option of complying with ECE Regulation 13.06.

Spray suppression system (regulation 8)

The amendments exempt a vehicle from the existing requirements relating to the fitting of spray suppression devices if it is fitted with a spray suppression system in accordance with Council Directive 91/226/EEC (O.J. No. L103, 23.4.91, p. 5) and the devices fitted are legibly and permanently marked with a designated approval mark.

Copies of the ECE Regulations and of the EEC Directives referred to in these Regulations and in this note can be obtained from Her Majesty's Stationery Office.