2002 No. 294

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 2002

Made - - - - - 19th September 2002

Coming into operation 1st November 2002

The Department of the Environment, in exercise of the powers conferred on it by Articles 55(1) and (2), and 110(2) of the Road Traffic (Northern Ireland) Order 1995(**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 (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 2002 and shall come into operation on 1st November 2002.

(2) In these Regulations "the principal Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**b**).

Amendment of regulation 79 (plates for goods vehicles and buses)

2.—(1) Regulation 79 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) At the beginning of paragraph (7) there shall be inserted the words "Subject to paragraph (8),".

(3) After paragraph (7) there shall be inserted–

"(8) Paragraph (7) does not apply to a vehicle which falls within paragraph (1)(*a*) and which is a motor vehicle first used on or after 1st November 2002.".

Amendment to Schedule 10 (emissions from certain vehicles)

3.—(1) Schedule 10 to the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph 2(*a*), for "0·3%", there shall be substituted, "the relevant percentage".

(3) In paragraph 3 for the words "For the purposes of this Part of this Schedule" there shall be substituted the words "For the purposes of paragraph 1".

(4) After paragraph 4 there shall be inserted—

"4A. For the purposes of this Part the relevant percentage, in respect of a vehicle, is, when the engine is running without load at a fast idling speed—

(**a**) S.I. 1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "the Department"
(**b**) S.R. 1999 No. 454; relevant amending Regulations are S.R. 2001 No. 241 and S.R. 2002 No. 256

(*a*) if the vehicle is of a description specified in the Annex to the emissions publication, the percentage shown against that description of vehicle in column 3(a) of that Annex; or

(*b*) if the vehicle is not of such a description, 0·3%.".

Amendment to regulation 55 (seat belts)

4. In regulation 55(2)(*j*), for "item 9" there shall be substituted "item 8".

Sealed with the Official Seal of the Department of the Environment on 19th September 2002.

(L.S.)

Dermot Nesbitt
Minister of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 ("the 1999 Regulations").

Regulation 79 of the 1999 Regulations requires certain goods vehicles and buses to have plates fitted detailing specified particulars relating to the vehicle. Paragraph (7) of that regulation exempted certain vehicles from the requirement to display the maximum weight in the United Kingdom for each axle and the maximum gross weight in the United Kingdom. Regulation 2 of these Regulations removes that exemption for vehicles first used on or after 1st November 2002.

These Regulations also amend the 1999 Regulations in relation to in-service exhaust emissions tests as a result of the requirement to implement Commission Directive 2001/9/EC which amended Council Directive 96/96/EC ("the Roadworthiness Directive").

In order to implement those aspects of the Roadworthiness Directive relating to the testing of exhaust emissions, Schedule 10 of the 1999 Regulations sets out the acceptable exhaust emissions limits for normal and high idling speeds. Hitherto, the manufacturer of any vehicle has been able to specify the relevant limit for normal idling speeds, but in relation to fast idling speeds the limit has been specified at 0·3%.

Requirements for such tests are laid out in paragraph 8.2.1(b)(4) of Annex II to the Roadworthiness Directive. This paragraph has been amended by Commission Directive 2001/9/EC with the result that the manufacturer of any vehicle may, from the time that these Regulations come into force, specify the relevant limit for both normal and fast idling speeds.

Regulation 3 of these Regulations amends Schedule 10 so as to delete the specification of 0.3% for fast idling speeds and to allow the manufacturer to set the specification for the relevant vehicle. Where no such specification is available, the limit remains at 0.3%.

The opportunity has been taken to correct a printing error in regulation 55 of the 1999 Regulations.

Copies of the relevant EC Directives may be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.

ISBN 0-337-94364-8

9 780337 943645

£1·75

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N572. C3. 9/02. Gp. 130. 14567.