1969. No. 273 **[C]**

MOTOR VEHICLES: CONSTRUCTION AND USE

REGULATIONS, DATED 14TH OCTOBER 1969, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 4 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1955.

The Ministry of Home Affairs, in exercise of the powers vested in it by Section 4 of the Road Traffic Act (Northern Ireland) 1955(**a**) and of all other powers 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) 1969 and shall come into operation on 1st November 1969.

Interpretation

2. In these Regulations the expression "the Principal Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1967(**b**).

Regulations amended

3. The Principal Regulations shall have effect as though:—

(1) in Regulation 3, after paragraph (1), there were inserted the following paragraphs:—

"(1A) For the purpose of these Regulations, in determining when a motor vehicle is first used, the date of such first use shall be taken to be such date as is the earliest of the undermentioned relevant dates applicable to that vehicle:—

(*a*) in the case of a vehicle registered under the Vehicles (Excise) Act (Northern Ireland) 1954(**c**), the Roads Act 1920(**d**), the Vehicles (Excise) Act 1949(**e**) or the Vehicles (Excise) Act 1962(**f**), the relevant date is the date on which it was first so registered; and

(*b*) in each of the following cases:—

(i) in the case of a vehicle which is being or has been used under a trade licence as defined in section 10 of the Vehicles (Excise) Act (Northern Ireland) 1954 (otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement);

(ii) in the case of a vehicle belonging, or which has belonged, to the Crown which is or was used or appropriated for use for naval, military or air force purposes;

(**a**) 1955. c. 27.
(**b**) S.R. & O. (N.I.) 1967, No. 75.
(**c**) 1954. c. 17.
(**d**) 10 & 11 Geo. 5. c. 72.
(**e**) 12, 13 & 14 Geo. 6. c. 89.
(**f**) 10 & 11 Eliz. 2. c. 13.

(iii) in the case of a vehicle belonging, or which has belonged, to a visiting force or a headquarters or defence organisation to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965(g) applies;

(iv) in the case of a vehicle, being a vehicle which has been used on roads outside Northern Ireland and which has been imported into Northern Ireland; and

(v) in the case of a vehicle, being a vehicle which has been used otherwise than on roads after being sold or supplied by retail and before being registered;

the relevant date is the date of manufacture of the vehicle.

In sub-sub-paragraph (v) "sold or supplied by retail" means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or re-supply for a valuable consideration.";

(2) in each Regulation, other than the excepted provisions, wherever the word "registered" occurs, for that word there were substituted the words "first used".

For the purposes of this paragraph "the excepted provisions" means the provisions of Regulations 3(1), 3(1A), 4(4), 4(7), 38(7), 41, 42(3) and 54, and the provisions of Regulations 58(3), 58A(4) and 59(4) only in so far as they contain a definition of "a temporarily imported vehicle" or of "a temporarily imported motor vehicle".

(3) in Regulation 69—

(*a*) at the end of the proviso to paragraph (1) there were added the words "or in the case of a pedestrian-controlled vehicle being a works truck"; and

(*b*) at the end of paragraph (2) there were added the words "and nothing in that paragraph or in the next succeeding paragraph shall apply to a broken-down vehicle or to a vehicle proceeding to a place where it is to be broken up, in either case being drawn by a motor vehicle at a speed not exceeding 20 miles per hour".

(4) after Regulation 83(2) there were added the following proviso:—

"Provided that where a motor vehicle is drawing a broken-down vehicle solely by means of a rope or chain, steps shall be taken to render the rope or chain clearly visible in all cases."

4. Where by virtue of a substitution of the words "first used" for the word "registered" effected by Regulation 3(2), a provision of the Principal Regulations applies to a motor vehicle to which that provision had not previously applied, nothing in the Principal Regulations shall be taken as applying that provision to that motor vehicle before the date of the coming into operation of these Regulations.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 14th day of October 1969.

(L.S.)

W. G. Robinson,
Assistant Secretary.

(g) S.I. 1965/1536.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1967 by:—

1. Requiring certain motor vehicles (*a*) which are used without being registered under the Vehicles (Excise) Act (Northern Ireland) 1954 to comply with certain of the Regulations which do not at present apply to unregistered motor vehicles and (*b*) which are not registered under that Act for a considerable time after manufacture to comply after registration with requirements of the Regulations which are appropriate to their date of manufacture (Regulation 3(1) and (2)).

2. Exempting certain pedestrian-controlled vehicles (being works trucks) and vehicles which are broken down or are being removed for breaking up from particular provisions regarding tyres (Regulation 3(3)).

3. Requiring all tow ropes used to draw broken down vehicles to be clearly marked and not only those in excess of 5 feet in length, as at present (Regulation 3(4)).