EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2011

2011 No. 20

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule listed above which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 55(1) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Statutory Rule (SR) covered by this Memorandum is to amend the Motor Vehicles (Construction and Use) Regulations (NI) 1999 ("the 1999 Regulations"), in order to implement EC Directive 2001/43/EC as amended by 2001/43/EC.

2.2. This has already been fully implemented in Great Britain by means of an amendment to the GB Road Vehicles (Construction and Use) Regulations 1986 and an amendment to the Motor Vehicles (Designation of Approval Marks) Regulations 1979. The latter amendment is UK-wide.

3. Background

3.1. Construction standards for most new road vehicles within the EU are regulated by "type approval" directives which define mandatory requirements on safety and environmental performance eg., braking system efficiency and maximum permissible air pollutant emissions. One of these directives, 92/23/EEC, defines mandatory requirements for tyres fitted to new vehicles to ensure that they are safe for operation at the vehicle speeds and loads for which they are marked.

3.2. Directive 92/23/EEC, as amended by Directive 2001/43/EC, also sets out rolling noise limits for tyres. The Directive was to be implemented in two phases: firstly for tyres fitted to new vehicles, and secondly for all replacement and aftermarket tyres to give manufacturers time to develop and supply compliant tyres for the replacement market which is many times larger than that for tyres fitted to new vehicles.

3.3. Directive 2001/43 required that, from 4 February 2005, tyres fitted to all new vehicles had to meet specified noise limits and bear a sidewall marking to show compliance with those limits. This marking is a suffix "S" to the type approval number moulded onto/into the sidewall of the tyre.

3.4. In addition to the requirements for tyres fitted to new vehicles, the Directive required replacement tyres to be type approved to the same noise limits from 1 October 2009 for (a) passenger car tyres of section width up to and including 185mm and (b) medium and heavy commercial vehicle tyres.

3.5. Passenger car replacement tyres of section width greater than 185mm and 215mm are required to comply with the Directive from 1 October 2010 and 1 October 2011 respectively. Most modern car tyres fall into these two categories.

3.6. Retreaded and part-worn tyres irrespective of tyre size and type, tyres on certain rim sizes, tyres with a speed rating below 80km/h, temporary use spare tyres, and tyres designed only to be fitted to pre-1980 vehicles are exempt from the requirements of the Directive.

3.7. The proposed amendments will make it an offence to sell or offer for sale tyres which fall within the scope of the regulations and are not appropriately marked as complying with the Directive ie., those which do not have the requisite "S" marking on the sidewall.

4. Consultation Outcome

4.1.A consultation to interested parties was issued on 6 July 2010. No adverse comments were received.

5. Equality Impact

5.1. An equality screening analysis has been carried out. No equality issues have been identified and accordingly an equality impact assessment is not considered necessary.

6. Regulatory Impact

6.1. The Regulations covered by this Memorandum will have no impact on the costs of business and the voluntary sector.

7. Financial Implications

7.1. The tyre industry in Northern Ireland has been aware of the EU requirements for several years and has been able to prepare for compliance. There are likely to be only minimal costs to the industry as a result of the proposed Regulations. There are no direct financial implications for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that there are no matters of concern.

9. EU Implications

9.1. These Regulations implement Directive 92/23/EC as amended by 2001/43/EC requiring tyres to comply with limits on rolling noise.

10. Parity or replicatory measure

10.1. The legislation replicates provisions already in place in Great Britain and will ensure that a consistent approach is taken across the whole of the UK.

11. Additional information

11.1. None

Annex

TRANSPOSITION NOTE

This Transposition Note is produced to accompany The Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2011 and shows how the Department has transposed:

Paragraph 5 of Article 10a of Directive 92/23/EEC inserted by Directive 2001/43/EC

For the purpose of this note:-

> "Directive" means Directive 92/23/EEC as amended by Directive 2001/43/EC.
>
> "Directive 92/23/EEC" means Directive 92/23/EEC of the European Parliament and of the Council of 31 March 1992 relating to tyres for motor vehicles and their trailers and to their fitting.
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> "Directive 2001/43/EC" means Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.
>
> "2011 Regulations" means The Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2011.

These Regulations do what is necessary to implement paragraph 5 of Article 10a of the Directive 92/23/EEC.

Directive 92/23/EEC as amended by Directive 2001/43/EC			
Article	Objectives	Implementation	Responsibility
Article 1a	Defines the scope of the Directive	Regulation 30A (3) inserted by Regulation 2 of the 2011 Regulations exempts tyres which are outside the scope of the Directive.	The Department of the Environment
Paragraph 5 of Article 10a	States that the provisions of the Directive apply for the purposes of Article 7(2) of Directive 70/156/EEC, which prohibits the sale or entry into service of tyres that do not meet the requirements of the Directive.	The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2002 prohibited tyres that do not meet the requirements of the Directive from being fitted to new vehicles entering into service. Regulation 30A (1) inserted by Regulation 2 of the 2011 Regulations prohibits the fitting of replacement tyres that do not meet the requirements of the Directive. The sale of such tyres is prohibited by section 76 Road Traffic Act 1988.	The Department of the Environment

	Sets out the dates from which "all tyres which fall within the scope of this Directive" must comply with the noise limit values set out in Annex V of the Directive. The term "all tyres" means that replacement tyres will also have to comply with the noise limit values as demanded by paragraph 4 of Article 10a of the Directive where previously only tyres fitted to new vehicles had to comply.	This provision is implemented by Regulation 30A (2) inserted by Regulation 2 of the 2011 Regulations Regulation 30A (1) inserted by Regulation 2 covers replacement tyres, specifies to which vehicles the 2011 Regulations apply and that the tyres must be type-approved and appropriately marked. Regulation 30A (2) specifies the implementation dates for certain tyre categories where these are later than the entry into force date of the regulations.	