
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 484

**Motor Cycles Etc. (Single Vehicle Approval)
Regulations (Northern Ireland) 2004**

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Motor Cycles Etc. (Single Vehicle Approval) Regulations (Northern Ireland) 2004 and shall come into operation on 8th January 2005.

Interpretation

2.—(1) In these Regulations –

“Directive 92/61/EEC” means Council Directive [92/61/EEC](#) relating to the type-approval of two or three-wheel motor vehicles(1) as amended by Directive [2000/7/EC](#) of the European Parliament and of the Council(2);

“Directive 93/34/EEC” means Council Directive 93/34/EEC on statutory markings for two or three-wheel motor vehicles(3) as amended by Commission Directive [1999/25/EC](#)(4);

“Directive 2002/24/EC” means Directive 2002/24/EC of the European Parliament and of the Council relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive [92/61/EC](#)(5);

“the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981;

“the 1994 Act” means the Vehicle Excise and Registration Act 1994(6);

“appeal” means an appeal under Article 31C of the 1981 Order in respect of the determination of an application;

“application” means an application (whether an original application or a further application) under regulation 5 for the issue of a Department’s approval certificate under Article 31A(4) of the 1981 Order;

“approval requirements” means the requirements as to the design, construction, equipment and marking of vehicles prescribed for the purpose of Article 31A of the 1981 Order by regulation 4(1);

“axle weight” has the meaning specified for that expression in regulation 2(1) of the Construction and Use Regulations;

(1) O.J. No. L225, 10.8.92, p. 72

(2) O.J. No. L106, 3.5.2000, p. 1

(3) O.J. No. L188, 29.7.93, p. 38

(4) O.J. No. L104, 21.4.99, p. 19

(5) O.J. No. L124, 9.5.2002, p. 1

(6) [1994 c. 22](#)

“conformity certificate” means –

- (a) a type approval certificate issued pursuant to Directive 92/61/EEC or Directive 2002/24/EC;
- (b) a communication issued pursuant to an ECE Regulation, or under the law of any State in which that Regulation has effect, indicating that a vehicle or part of a vehicle conforms to that Regulation;
- (c) an EC certificate of conformity;

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(7);

“cm³” means cubic centimetres;

“diesel moped” means a three-wheel vehicle fitted with an internal combustion engine other than of the spark (positive) ignition type the maximum net power output of which does not exceed 4 kW being a moped within the meaning of the second indent of Article 1.2(a)(ii) of Directive 2002/24/EC;

“driver” includes the rider and controller of a vehicle and “drive” shall be construed accordingly;

“electric moped” means a vehicle fitted with an electric motor being a moped within the meaning of the second indent of Article 1.2(a)(i) or the third indent of Article 1.2(a)(ii) of Directive 2002/24/EC;

“examination” means an examination for the purposes of an application or a re-examination for the purposes of an appeal and “examiner” means the person carrying out an examination;

“further application” means an application made in accordance with regulation 5(6);

“gross weight” has the meaning specified for that expression in regulation 2(1) of the Construction and Use Regulations;

“km/h” means kilometres per hour;

“kW” means kilowatts;

“the Lighting Regulations” means the Road Vehicles Lighting Regulations (Northern Ireland) 2000(8);

“mm” means millimetres;

“original application” means an application made in accordance with regulation 5(1) to (3), not being a further application;

“part”, in relation to a vehicle, includes a system, a separate technical unit and a component;

“relevant vehicle” means a vehicle to which these Regulations apply by virtue of regulation 3;

“Schedule 1 vehicle” means a vehicle falling within Schedule 1;

“system” means a system as defined in Article 2.4 of Directive 2002/24/EC; and

“350kg quadricycle” means a vehicle within the meaning of Article 1.3(a) of Directive 2002/24/EC the unladen mass of which is –

- (a) in the case of an electric vehicle, 350 kilogrammes excluding the mass of its batteries; and
- (b) in the case of any other vehicle, 350 kilogrammes.

(2) Other expressions used in these Regulations which are also used in Directive 92/61/EEC shall have the same meaning as in that Directive and cognate expressions shall be construed accordingly.

(7) S.R. 1999 No. 454 relevant amending Regulations are S.R. 2001 No. 28, S.R. 2002 No. 256, S.R. 2002 No. 294 and S.R. 2002 No. 375

(8) S.R. 2000 No. 169 to which there are amendments not relevant to these Regulations

(3) A reference in Schedule 2 to a Community Directive as amended by another Directive is a reference to that Directive as amended by that other Directive and by Community instruments dated prior to the date of that other Directive.

(4) Paragraphs (7) and (8) of regulation 2 of the Construction and Use Regulations (determination of the numbers of wheels and axles of a vehicle) shall apply for the purposes of these Regulations other than item 6 of Schedule 2 as they apply for the purposes of the Construction and Use Regulations other than regulations 31 and 32.

(5) For the purposes of these Regulations, a vehicle is to be regarded as being manufactured on or after a particular date if it was first assembled on or after that date, even if it included one or more parts which were manufactured before that date.

(6) In these Regulations “ECE Regulation” means a Regulation annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958⁽⁹⁾ as amended⁽¹⁰⁾ to which the United Kingdom is a party⁽¹¹⁾ and –

- (a) a reference to an ECE Regulation followed by a two or three digit number which is not itself followed by a two digit number (for example “ECE Regulation 30”) shall be read as a reference to the ECE Regulation of that number which follows that reference;
- (b) a reference to an ECE Regulation followed by a two or three digit number which is itself followed by a full-stop and a two digit number (for example “ECE Regulation 30.01”) shall be read as a reference to the ECE Regulation of the first number as amended by the amending series represented by the second number.

(7) A reference in any provision of these Regulations to a prescribed fee is a reference to the fee (if any) for the time being prescribed for the purposes of that provision in the Motor Cycles Etc. (Single Vehicle Approval) (Fees) Regulations (Northern Ireland) 2004⁽¹²⁾.

PART II

APPROVAL REQUIREMENTS FOR RELEVANT VEHICLES

Application

3.—(1) Subject to paragraph (2) these Regulations apply to diesel mopeds, electric mopeds, mopeds, motor cycles, motor tricycles, quadricycles and 350kg quadricycles.

(2) These Regulations do not apply to –

- (a) any diesel moped, electric moped or 350kg quadricycle which is manufactured before 9th November 2003; or
- (b) vehicles of a description referred to in the second paragraph of Article 1(1) of Directive 2002/24/EC as being those to which the Directive does not apply.

Approval requirements

4.—(1) Subject to the following provisions of this regulation, the approval requirements applicable to a relevant vehicle are the requirements set out or referred to in column 3 of the Table in Schedule 2.

⁽⁹⁾ Cmnd. 2535

⁽¹⁰⁾ Cmnd. 3562

⁽¹¹⁾ By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963

⁽¹²⁾ S.R. 2004 No. 486

(2) The requirements set out or referred to in column 3 of the Table in Schedule 2 have effect subject to the exceptions and modifications set out in column 5 of that Table.

(3) An entry in column 4 of an item in the Table in Schedule 2 shall have effect for the purpose of interpreting or otherwise supplementing the entries in that item and, for convenience, expressions that are defined in that column are printed in bold type.

(4) Where in relation to an item in the Table in Schedule 2 two or more instruments or other documents are specified in column 3 as alternatives (being instruments or documents containing substantially similar requirements) the requirements prescribed by paragraph (1) shall be the requirements contained in either or any of those instruments or documents.

(5) Where an item in the Table in Schedule 2 contains a reference to a Directive (“the base Directive”) and none to any Directive amending that Directive and a relevant vehicle does not comply with that item, the vehicle shall nevertheless be regarded as complying with that item if –

- (a) the base Directive has, before the date these Regulations come into force, been amended by another Directive (“an amending Directive”); and
- (b) the vehicle would comply with that item were there substituted for that reference a reference to the base Directive as amended by an amending Directive.

(6) Where an item in the Table in Schedule 2 contains a reference to a Directive (“the base Directive”) and to a Directive amending that Directive (“an amending Directive”) and a relevant vehicle does not comply with that item, the vehicle shall nevertheless be regarded as complying with that item if –

- (a) the base Directive has, before the date these Regulations come into force, been amended by a Directive subsequent to the amending Directive (“a subsequent amending Directive”); and
- (b) the vehicle would comply with that item were there substituted for that reference a reference to the base Directive as amended by any subsequent amending Directive.

(7) Where an item in the Table in Schedule 2 contains a reference to an ECE Regulation (“the base Regulation”) followed by a single two or three digit number and a relevant vehicle does not comply with that item, the vehicle shall nevertheless be regarded as complying with that item if –

- (a) the base Regulation has, before the date these Regulations come into force, been amended by an amending series represented by a two digit number (“an amending series”); and
- (b) the vehicle would comply with that item were there substituted for that reference a reference to the base Regulation as amended by an amending series.

(8) Where an item in the Table in Schedule 2 contains a reference to an ECE Regulation of a two or three digit number (“the base Regulation”) as amended by an amending series represented by a second number of two digits (“the first mentioned amending series”) and a relevant vehicle does not comply with that item, the vehicle shall nevertheless be regarded as complying with that item if –

- (a) the base Regulation has, before the date these Regulations come into force, been amended by an amending series subsequent to the first mentioned amending series (“a subsequent amending series”); and
- (b) the vehicle would comply with that item were there substituted for that reference a reference to the base Regulation as amended by any subsequent amending series.

(9) A relevant vehicle which meets the technical requirements for permanent registration in another EEA State shall be treated as if it complies with the approval requirements except to the extent that, following an assessment of documentation provided by the applicant in connection with the application where such is provided, the Department is unable to establish that the vehicle satisfies standards equivalent to the approval requirements.

(10) Where a conformity certificate has been issued in relation to a part, but not the whole, of a relevant vehicle, that part shall be treated as complying with the approval requirements which would otherwise be applicable to it as part of the vehicle.

PART III

MISCELLANEOUS

Application for Department's approval certificate

5.—(1) An application for the issue of a Department's approval certificate on the basis that the vehicle complies with the approval requirements by virtue of these Regulations shall be made to the Department.

(2) The application shall be in a form which –

- (a) has been approved by the Department; and
- (b) has been duly completed so as to furnish all the information required by that form.

(3) The application shall be accompanied by –

- (a) the documents mentioned in the form as being required in connection with the application; and
- (b) the prescribed fee.

(4) As soon as reasonably practicable after it receives the application, the Department shall send to the applicant a notice stating the time when and the place where an examination for the purposes of the application is to be carried out.

(5) The Department may by notice to the applicant alter the time when or the place where the examination is to be carried out but it shall not alter the time to an earlier time without the consent of the applicant.

(6) Where an original application is refused, other than on the grounds that the vehicle is not a relevant vehicle, a further application by the same applicant in respect of the vehicle shall be regarded as having been made in accordance with and pursuant to paragraphs (1) to (3) if –

- (a) it is made to the Department during the period of six months beginning with the date on which the original application was refused; and
- (b) at the time that he makes the further application, the applicant requests an examination to be carried out for the purpose of the further application during that period of six months and at the place where the examination took place for the purposes of the original application.

(7) Paragraphs (4) and (5) shall not apply to an application made in accordance with paragraph (6) and in the case of such an application –

- (a) the Department shall inform the applicant in such manner as it thinks fit of the time when and the place where the examination is to be carried out;
- (b) the Department may alter the time when or the place where the examination is to be carried out but it shall not alter the time to an earlier time without the consent of the applicant;
- (c) if the Department so alters the time or place, it shall inform the applicant in such manner as it thinks fit of the time when and the place where the examination is to be carried out; and
- (d) the applicant shall pay the prescribed fee to the Department before the examination is carried out.

(8) Paragraphs (4) to (7) shall not apply to an application for the issue of a Department's approval certificate under Article 31A(5) of the 1981 Order.

Assignment of vehicle identification numbers

6.—(1) Subject to paragraph (2) when an application is made for a Department's approval certificate in accordance with paragraphs (1) to (3) of regulation 5 the Department shall assign a vehicle identification number to the vehicle to which the application relates where it appears to it that –

- (a) the vehicle does not have a vehicle identification number which –
 - (i) complies with paragraph 3.1.1 of the Annex to Directive 93/34/EC; or
 - (ii) has been previously assigned to the vehicle under this regulation; or
- (b) the vehicle does not fall within sub-paragraph (a) but has a vehicle identification number which is inadequate for the purpose of enabling it to be identified.

(2) Paragraph (1) shall not apply where the vehicle identification number of a vehicle does not correspond with the frame number or chassis number, as appropriate, of that vehicle.

Appeals

7.—(1) An appeal by a person aggrieved by a determination made by the Department pursuant to an application under regulation 5 shall be made by including with the documents submitted a form which –

- (a) has been provided by the Department; and
- (b) has been completed so as to include a description of the grounds upon which the appeal is made and such other information as may be reasonably required by that form.

(2) The prescribed time within which an appeal against such a determination may be made is 14 days beginning with the date of the determination.

(3) As soon as reasonably practicable after the date of the receipt of the appeal the Department shall send to the appellant a notice stating the time when and the place where the re-examination for the purpose of determining the issues raised on the appeal is to be carried out.

(4) The Department may by notice to the applicant alter the time when or the place where the re-examination is to be carried out, but it shall not alter the time to an earlier time without the consent of the applicant.

Refusal of application or appeal without an examination or a complete examination

8.—(1) The Department may refuse an application or appeal even though an examination has not been carried out if –

- (a) the vehicle is not submitted for examination at the time and place fixed under these Regulations for the examination;
- (b) the fee in respect of the examination is not paid at or before the time fixed under these Regulations for the examination;
- (c) the examiner is not able, with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out, to complete the examination without the vehicle being driven or the engine run and the vehicle is not when submitted for examination, either for want of fuel or oil or for any other reason, fit to be driven or for the engine to be run to such extent as may be necessary for the purposes of carrying out the examination;
- (d) when the vehicle is submitted for the examination, the vehicle or any item which forms part of the vehicle or its equipment is so dirty or dangerous as to make it unreasonable for the examination to be carried out;

- (e) any things which are on the vehicle when it is submitted for the examination, and are not part of its equipment or accessories, are required by the examiner to be removed from the vehicle or to be secured in such manner as he may think necessary and those things are not removed or secured accordingly;
 - (f) when the vehicle is submitted for the examination, a proper examination cannot be carried out as a consequence of any door, tailgate, boot lid, engine cover, fuel cap or other device designed to be capable of being readily opened, being locked or otherwise fixed so that it cannot readily be opened;
 - (g) when the vehicle is submitted for the examination, its condition is such that, in the opinion of the examiner, a proper examination of the vehicle would involve a danger of –
 - (i) injury to any person, or
 - (ii) damage to the vehicle or any other property;
 - (h) when the vehicle is submitted for examination, there is not permanently fixed to the frame, chassis or main structure of the vehicle in a conspicuous and easily accessible position so as to be readily legible, a vehicle identification number which –
 - (i) complies with paragraph 3.1.1 of the Annex to Directive 93/34/EC and corresponds with the frame number or chassis number, as appropriate, of the vehicle;
 - (ii) has been assigned to the vehicle under regulation 6(1); or
 - (iii) does not fall within sub-paragraph (i) or (ii) but appears to the Department to be adequate for the purpose of enabling the vehicle to be identified; or
 - (i) the person who is the driver of the vehicle at the time it is submitted for the examination is requested to remain on or in it or in its vicinity throughout the examination, to drive it, to operate its controls or to remove and refit its panels and he declines to do so.
- (2) Nothing in this regulation shall affect any power of the Department to refuse an application or to reject an appeal otherwise than under this regulation.

Form of certificate

9.—(1) Where a Department's approval certificate is issued under Article 31A(4) of the 1981 Order on the basis that the vehicle complies with the approval requirements by virtue of these Regulations, the certificate shall be in such form as the Department may determine and shall include the relevant particulars set out in paragraph (2).

- (2) The relevant particulars are –
- (a) the identification number of the vehicle or its chassis number or frame number;
 - (b) the make, model, seating capacity, defect identification code, seat belt identification code, design weight and power to weight ratio of the vehicle;
 - (c) the fuel type of the vehicle;
 - (d) the location of the place at which, and the date upon which, examination of the vehicle took place; and
 - (e) the serial number of the certificate.

Replacement certificates

10.—(1) If a Department's approval certificate has been lost or defaced, an application for issue of a replacement for the original certificate may be made to the Department at the place from which the original certificate was issued.

- (2) The application shall –

- (a) specify the identification number of the vehicle in respect of which the original certificate was issued; and
- (b) be accompanied by the prescribed fee.

(3) As soon as reasonably practicable after it receives the application and fee, the Department shall issue to the applicant a replacement for the certificate to which the application relates and any such replacement shall have the same effect as the certificate which it replaces and shall be marked “replacement”.

Notices

11. Without prejudice to regulation 5(7)(a) and (c) every notice under these Regulations shall be in writing and may be given by post.

Obligatory certificates

12.—(1) For the purposes of Article 31E(1) of the 1981 Order –

- (a) relevant vehicles, other than an excepted vehicle, are vehicles in relation to which type approval requirements prescribed by these Regulations apply; and
- (b) the appointed day is 8th January 2005.

(2) In this regulation “excepted vehicle” means a vehicle –

- (a) which is registered;
- (b) the date of manufacture of which is such that more than ten years have elapsed since it was manufactured; or
- (c) in relation to which the requirements set out in paragraph (3) are met.

(3) The requirements referred to in paragraph (2)(c) are that –

- (a) the person by whom the vehicle is kept is a member of a visiting force or a member of the civilian component of a visiting force;
- (b) the vehicle has been imported into the European Economic Area for the personal use of the keeper or of his dependants;
- (c) there is not in force with respect to the vehicle –
 - (i) an EC certificate of conformity;
 - (ii) a Department’s approval certificate issued in pursuance of these Regulations;
 - (iii) a Minister’s approval certificate issued under Section 58 of the Road Traffic Act 1988(13); and
- (d) not more than one other vehicle which meets the requirements of sub-paragraphs (b) and (c) is kept in the United Kingdom by the keeper.

(4) The use of a relevant vehicle other than an excepted vehicle is exempted from Article 31E(1) of the 1981 Order if such use is –

- (a) for the purpose of submitting it (by previous arrangement for a specified time on a specified date) before it is registered for an examination pursuant to an application under these Regulations;
- (b) for the purpose of bringing it away, before it is registered, from such an examination;
- (c) by an examiner, or a person carrying out such an examination under his direction, for the purpose of –

- (i) taking it to, or bringing it away from, a place where a part of the examination is to be, or has been, carried out, or
- (ii) carrying out a part of the examination, or
- (iii) warming up its engine in preparation for the examination, before it is so registered;
- (d) where an application under regulation 5 is refused following such an examination, for the purpose of –
 - (i) delivering it (by previous arrangement for a specified time on a specified date) at a place where relevant work is to be done on it, or
 - (ii) bringing it away from a place where relevant work has been done on it before it is so registered.
- (5) In this regulation –
 - (a) “member of a visiting force” and “member of a civilian component of a visiting force” shall bear the same meanings as in Part I of the Visiting Forces Act 1952⁽¹⁴⁾; and
 - (b) “relevant work” means work done or to be done to remedy the defects on the grounds of which the application was refused (including work to alter the vehicle in some aspect of design, construction, equipment or marking on account of which the certificate was refused).

Issue of first licence

13. Where application is made for a licence under the 1994 Act for a vehicle, which by virtue of regulation 12(1)(a) is a vehicle in relation to which type approval requirements prescribed by these Regulations apply, the licence shall not be granted unless on the first application after the day appointed by regulation 12(1)(b) for a licence for that vehicle, there is produced evidence that there are one or more certificates in force for the vehicle under sections 31A and 31B of the 1981 Order from which it appears that the vehicle complies with the approval requirements.

Sealed with the Official Seal of the Department of the Environment on 24th November 2004.

L.S.

Wesley Shannon
A senior officer of the
Department of the Environment