

1991 No. 408

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Type Approval) (Amendment) Regulations
(Northern Ireland) 1991**

Made 3rd September 1991

Coming into operation 14th October 1991

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(a), 31A(1), 31D(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 (Type Approval) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 14th October 1991.

Regulations amended

2. The Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(c) are amended as follows—

(1) In regulation 2(1) (interpretation) after the definition of “ECE Regulation” insert—

“ “hire agreement” means an agreement for the bailment of a vehicle which is not a hire-purchase agreement;” ; and

“hire-purchase agreement” has the same meaning as in Part VI of the Hire-Purchase Act (Northern Ireland) 1966;”(d).

(2) In regulation 3 (application)—

(a) for paragraph (2)(h) substitute—

“(h) a motor vehicle which is of a new or improved type provided that the conditions in paragraph (3) are satisfied;”;

(b) after paragraph (2) insert—

“(3) The conditions referred to in paragraph (2)(h) are that—

(a) the manufacturer of the vehicle has made an application—

(i) in respect of a type vehicle in accordance with regulation 5 for a type approval certificate, or

(a) See the definition of “Department”

(b) S.I. 1981/154 (N.I. 1); Arts. 31A and 31D were inserted by S.I. 1985/755 (N.I. 6) Art. 3

(c) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1987 No. 389

(d) 1966 c. 42 (N.I.); Part VI was substituted by para. 49 of Sch. 4 to 1974 c. 39

- (ii) in respect of another vehicle (“the initial vehicle”) in accordance with regulation 6 for a Department’s approval certificate;
- (b) an appointment has been made for a final examination of the type vehicle or the initial vehicle (as the case may be);
- (c) the vehicle conforms with the type vehicle or the initial vehicle (as the case may be) in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the information document accompanying the application pursuant to regulation 5 or 6;
- (d) the vehicle complies with the relevant type approval requirements specified in Schedule 1;
- (e) the Department has been notified of the vehicle identification number;
- (f) the vehicle—
 - (i) was at the date of manufacture owned by the manufacturer of the vehicle and has remained in his ownership,
 - (ii) has not been offered for sale by him,
 - (iii) has not been let or offered for letting under a hire agreement or a hire-purchase agreement, and
 - (iv) has not been used on a road for any purpose other than for, or in connection with, publicity, demonstration or evaluation of vehicles of the new or improved type; and
- (g) the manufacturer of the vehicle intends that until pursuant to the application mentioned in sub-paragraph (a) there has been issued a type approval certificate or a Department’s approval certificate (as the case may be), the vehicle—
 - (i) shall remain in his ownership,
 - (ii) shall not be offered for sale by him,
 - (iii) shall not be let or offered for letting under a hire agreement or a hire-purchase agreement, and
 - (iv) shall not be used on a road for any purpose other than for, or in connection with, publicity, demonstration or evaluation of vehicles of the new or improved type.”.

Sealed with the Official Seal of the Department of the Environment on 3rd September 1991.

(L.S.)

Trevor Pearson

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985 (the 1985 Regulations) by amending the disapplication of the 1985 Regulations to motor vehicles or parts of motor vehicles which are of a new or improved type, provided certain conditions are complied with. These conditions are amended as follows—

- (a) The exemption applies when a manufacturer has applied for a type approval certificate or a Department's approval certificate.
- (b) The manufacturer must have made an appointment for a final examination of the vehicle which is the subject of the application for a certificate.
- (c) The vehicle for which exemption is sought must conform with the vehicle which is the subject of the application in the relevant aspects of design, construction, equipment and marking, mentioned in the information document accompanying the application.

The conditions relating to ownership, sale, supply and use have been amended in minor respects.