

## 1993 No. 39

## ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1993**

*Made* . . . . . 4th February 1993

*Coming into operation* . . . . . 1st April 1993

The Department of the Environment, in exercise of the powers conferred on it by Articles 28(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a) and of all other powers enabling it in that behalf, makes the following Regulations:

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(b).

*Amendments to regulation 63 (emission of smoke, vapour, gases, oily substances, etc.)*

2. Regulation 63 of the principal Regulations shall be amended as follows—

(1) In paragraph (1), after the word “constructed” insert the words “and maintained”.

(2) After paragraph (3A)(c) insert the following paragraphs—

“(3B) Instead of complying with paragraph (1) a vehicle may comply with a relevant instrument.

(3C) Instead of complying with such provisions of items 1, 2 and 3 in Table I as apply to it, a vehicle may at the time of its first use comply with a relevant instrument.”.

(3) In paragraph (4), for the words from the beginning to “comply” substitute the words “For the purposes of paragraphs (3B) and (3C), a reference to a vehicle complying with a relevant instrument is a reference to a vehicle complying”.

(4) For paragraph 10(d) substitute the following paragraphs—

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(a) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department”

(b) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1991 No. 420 and S.R. 1992 No. 509

(c) Paragraph (3A) was inserted by S.R. 1991 No. 420, reg. 7(2)

(d) Paragraph (10) was inserted by S.R. 1991 No. 420, reg. 7(3)

“(10) Where a vehicle is constructed or assembled by a person not ordinarily engaged in the business of manufacturing motor vehicles of that description, the date on which it is first used shall, for the purposes of paragraphs (3A), (7), (8) and (9), be regarded as being the 1st January immediately preceding the date of manufacture of the engine by which it is propelled.

However, the date on which a vehicle is first used shall not, by virtue of the foregoing provisions of this paragraph, be regarded in any circumstances as being later than the date on which it would otherwise have been regarded as being first used had those provisions been omitted.

(10A) Without prejudice to paragraphs (1) and (7) no person shall use, or cause or permit to be used on a road, a vehicle first used on or after 1st August 1975 and propelled by a four-stroke spark ignition engine, unless the vehicle is in such a condition that, when the engine is idling—

- (a) the carbon monoxide content of the exhaust emissions from the engine does not exceed—
  - (i) in the case of a vehicle first used on or after 1st August 1983, 4.5%; or
  - (ii) in any other case, 6%;of the total exhaust emissions from the engine by volume; and
- (b) the hydrocarbon content of those emissions does not exceed 0.12% of the total exhaust emissions from the engine by volume.

(10B) Paragraph (10A) does not apply to—

- (a) a vehicle if at the date that the engine was manufactured, that engine was incapable of meeting the requirements specified in that paragraph;
- (b) a vehicle being driven to a place where it is to undergo repairs;
- (c) a vehicle which was constructed or assembled by a person not ordinarily engaged in the business of manufacturing motor vehicles of that description;
- (d) an exempt vehicle within the meaning given by paragraph (12)(a);
- (e) a goods vehicle with a maximum gross weight exceeding 3,500 kg;
- (f) engineering plant, an industrial tractor, or a works truck;
- (g) a large private passenger vehicle which is constructed or adapted to carry more than 12 seated passengers;
- (h) a public service vehicle which is constructed or adapted to carry more than 12 seated passengers;
- (i) a play bus as defined in regulation 2(1) of the Goods Vehicles (Certification) Regulations (Northern Ireland) 1990(a); or
- (j) a vehicle first used before 1st August 1987 if the engine is a rotary piston engine; and for the purposes of this paragraph “the

engine", in relation to a vehicle, means the engine by which it is propelled.

(10C) For the purposes of this regulation—

- (a) any rotary piston engine shall be deemed to be a four-stroke engine; and
- (b) "rotary piston engine" means an engine in which the torque is provided by means of one or more rotary pistons and not by any reciprocating piston."

Sealed with the Official Seal of the Department of the Environment on 4th February 1993.

(L.S.)

*Trevor Pearson*

Assistant Secretary

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989 ("the 1989 Regulations") in relation to exhaust emissions.

Regulation 63 of the 1989 Regulations (exhaust emissions) previously contained a provision requiring vehicles to be constructed so as not to emit any avoidable smoke or avoidable visible vapour. This provision is amended so that vehicles not only have to be constructed but also maintained so as not to emit any avoidable smoke or avoidable visible vapour.

A minor amendment is made in relation to vehicles fitted by persons who are not motor manufacturers.

A new paragraph (10A) is added to regulation 63 which makes it unlawful for a vehicle with a four-stroke spark ignition engine to be used if it is in such a condition that, when the engine is idling, the carbon monoxide and hydrocarbon content of the exhaust emissions exceeds specified limits. The limit, in the case of the carbon monoxide content, is 4.5% if the vehicle was first used on or after 1st August 1983 or 6% in any other case. The limit in the case of hydrocarbon content is 0.12%. The provision applies only to vehicles first used on or after 1st August 1975. Exemptions from the new paragraph (10A) are contained in a new paragraph (10B).