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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 375**

**Motor Vehicles (Construction and Use) (Amendment  
No. 4) Regulations (Northern Ireland) 2002**

**Emission of smoke, vapour, gases, oily substances etc. — further requirements for certain motor vehicles first used on or after 28th February 2003**

10. After regulation 74 (emission of smoke, vapour, gases, oily substances etc.) of the principal Regulations there shall be inserted the following—

**“Emission of smoke, vapour, gases, oily substances etc — further requirements for certain motor vehicles first used on or after 28th February 2003**

74A.—(1) This regulation shall apply to motor vehicles first used on or after 28th February 2003.

(2) Subject to paragraphs (5) to (7) and Schedule 8, a motor vehicle in any category shall comply with such design, construction and equipment requirements and such limit values as may be specified for a motor vehicle of that category and weight by any Community Directive specified in item 1 or 2 of the Table and from such date as is specified by that Community Directive.

(3) Subject to paragraphs (4) to (7) and Schedule 8, no person shall use, or cause or permit to be used, on a road a motor vehicle if the motor vehicle does not comply with such limit values as may apply to it by virtue of any Community Directive specified in item 1 or 2 of the Table, and from such date as is specified by that Community Directive, unless the following conditions are satisfied with respect to it—

- (a) the failure to meet the limit values does not result from an alteration to the propulsion unit or exhaust system of the motor vehicle;
- (b) neither would those limit values be met nor the emissions of gaseous and particulate pollutants and smoke and evaporative emissions be materially reduced if maintenance work of a kind which would fall within the scope of a normal periodic service of the vehicle were to be carried out on the motor vehicle; and
- (c) the failure to meet those limit values does not result from any device designed to control the emission of gaseous and particulate pollutants and smoke and evaporative emissions which is fitted to the motor vehicle being other than in good and efficient working order.

(4) Where—

- (a) a motor vehicle is fitted with a device of the kind referred to in sub-paragraph (c) of paragraph (3);
- (b) the motor vehicle does not comply with the limit values applying to it which are referred to in that paragraph; and
- (c) the conditions specified in sub-paragraphs (a) and (b) of paragraph (3) are satisfied in respect of the motor vehicle,

nothing in paragraph (3) shall prevent the motor vehicle being driven to a place where the device is to be repaired or replaced.

(5) Subject to paragraph (6), if the Department has exempted any motor vehicle produced in a small series from one or more of the provisions of a Community Directive specified in item 1 of the Table in accordance with the procedure in Article 8(2)(a) of the Framework Directive then paragraphs (2) and (3) shall not apply to that motor vehicle insofar as it has been so exempted.

(6) If any motor vehicle has been exempted from one or more of the provisions of a Community Directive specified in item 1 of the Table in accordance with paragraph (5), then in the Table as it applies to that motor vehicle there shall be deemed to be substituted, for the reference to Community Directive [96/69/EC](#) or ECE Regulation 83.04, Community Directive [98/69/EC](#) and [1999/102/EC](#)—

(a) in the case of passenger cars as defined in regulation 74(25), a reference to Community Directive [94/12/EC](#) or ECE Regulation 83.03; and

(b) in the case of other motor vehicles of category M, a reference to Community Directive [93/59/EEC](#) or ECE Regulation 83.02,

and in any such case paragraphs (2) and (3) shall apply to the motor vehicle as if they referred to the substituted Community Directives or ECE Regulations.

(7) If any motor vehicle has been exempted from one or more of the provisions of a Community Directive specified in item 1 or 2 of the Table in accordance with Schedule 8, then in the Table as it applies to that motor vehicle there shall be deemed to be substituted—

(a) for the reference to Community Directive [98/69/EC](#) and [1999/102/EC](#), a reference to Community Directive [96/69/EC](#) or ECE Regulation 83.04; and

(b) for the reference to Community Directive [1999/96/EC](#), a reference to Community Directive [91/542/EC](#) or ECE Regulation 49.02,

and in any such case paragraphs (2) and (3) shall apply to the motor vehicle as if they referred to the substituted Community Directives or ECE Regulations.

(8) In this regulation—

(a) “category” means a category for the purpose of Annex II to the Framework Directive;

(b) “date as is specified” means the date specified by the relevant Community Directive as that from which Member States are required to prohibit the registration or the entry into service of motor vehicles which do not comply with the limit values specified by the relevant Community Directive or, in the case of emission control and monitoring systems and devices, the date specified by the relevant Community Directive for the fitting of such equipment;

(c) “limit values” means the permitted amounts of gaseous and particulate pollutants and smoke and evaporative emissions; and

(d) “small series” means the motor vehicles within a family of types as defined in Annex XII to the Framework Directive which are registered or enter into service in a period of twelve months beginning on the 1st January in any year where the total number of motor vehicles does not exceed the small series limits specified in that Annex.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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**TABLE**

(regulation 74A)

(1) <i>Item</i>	(2) <i>Community Directive or ECE Regulation</i>	(3) <i>Amending Community Directive or ECE Regulation</i>
1.	70/220/EEC	96/69/EC or ECE Regulation 83.04 98/69/EC 1999/102/EC
2.	88/77/EEC or ECE Regulation 49.01	91/542/EEC or ECE Regulation 49.02 1999/96/ EC".