

**2003 No. 517**

**ROAD TRAFFIC**

**Motor Vehicles (Construction and Use) (Amendment No. 4)  
Regulations (Northern Ireland) 2003**

*Made - - - - - 8th December 2003*

*Coming into operation 1st January 2004*

The Department of the Environment, in exercise of the powers conferred upon it by Article 55(1) and (2) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 2003 and shall come into operation on 1st January 2004.

2. In these Regulations “the principal Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(b).

**Amendment to regulation 74 (emission of smoke, vapour, gases, oily substances etc)**

3. Paragraph (17) of regulation 74 of the principal Regulations shall be amended as follows –

- (a) at the end of sub-paragraph (b) the word “or” shall be deleted;
- (b) at the end of sub-paragraph (c) the word “or” shall be inserted;
- (c) after sub-paragraph (c) there shall be inserted –
  - “(d) a vehicle which –
    - (i) is not a passenger car,
    - (ii) is first used on or after 1st July 2002, and
    - (iii) has a maximum gross weight not exceeding 3,500 kg.”.

**Amendment to Schedule 10 (emissions from certain motor vehicles)**

4.—(1) Schedule 10 to the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

- (2) In paragraph (3) –
  - (a) the word “or” immediately following sub-paragraph (a) shall be deleted;
  - (b) for sub-paragraph (b) there shall be substituted –
    - “(b) if the vehicle is not of such a description and is first used before 1st July 2002, 0.5%;

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(a) S.I. 1995/2994 (N.I. 18); see Article 2(2) for the definition of “the Department”  
(b) S.R. 1999 No. 454; relevant amending Regulations are S.R. 2001 No. 173, S.R. 2002 No. 256, S.R. 2002 No. 294 and S.R. 2002 No. 375

or”;

(c) after sub-paragraph (b) there shall be added –

“(c) if the vehicle is not of such a description and is first used on or after 1st July 2002, 0.3%.”.

(3) In paragraph (4A) –

(a) the word “or” immediately following sub-paragraph (a) shall be deleted;

(b) for sub-paragraph (b) there shall be substituted –

“(b) if the vehicle is not of such a description and is first used before 1st July 2002, 0.3%;

or”;

(c) after sub-paragraph (b) there shall be added –

“(c) if the vehicle is not of such a description and is first used on or after 1st July 2002, 0.2%.”.

(4) For paragraph (8) there shall be substituted –

“**8.** This Part of this Schedule applies to a vehicle if when tested in accordance with point 8.2.2. of Annex II of Council Directive 96/96/EC as replaced by Annex to Commission Directive 2003/27/EC, the coefficient of absorption of the exhaust emissions from the engine of the vehicle immediately after leaving the exhaust system exceeds –

(a) if the vehicle is first used before 1st July 2008 and the engine of that vehicle is turbo-charged, 3.0 per metre;

(b) if the vehicle is first used before 1st July 2008 and the engine of that vehicle is not turbo-charged, 2.5 per metre; or

(c) if the vehicle is first used on or after 1st July 2008, 1.5 per metre.”.

Sealed with the Official Seal of the Department of the Environment on 8th December 2003.

(L.S.)

*Stanley Duncan*

A senior officer of the Department of the Environment

## EXPLANATORY NOTE

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

These Regulations amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (the “1999 Regulations”) in relation to in-service and roadside exhaust emissions tests as a result of the requirement to implement Commission Directive 2003/27/EC (O.J. No. 90, 8.4.2003, p. 41) which amended Council Directive 96/96/EC (O.J. No. 46, 17.2.1997, p. 1) and Commission Directive 2003/26/EC (O.J. No. 90, 8.4.2003, p. 37) which amended Directive 2000/30/EC (O.J. No. 203, 10.8.2000, p. 1) of the European Parliament and of the Council.

Schedule 10 to the 1999 Regulations sets out the maximum acceptable levels of Carbon Monoxide in exhaust emissions for normal and fast idling speeds for vehicles propelled by spark engines (i.e. petrol fuelled vehicles) and the emission limits for vehicles propelled by compression ignition engines (i.e. diesel fuelled vehicles). Manufacturers are able to specify the relevant exhaust emissions limits for petrol-fuelled vehicles equipped with advanced emission control systems. Where no such specification is available the limit has been specified in Schedule 10 as 0.5% for normal idling speeds and 0.3% for fast idling speeds. With regard to vehicles propelled by compression ignition systems, Schedule 10 has specified that if the engine is turbo-charged, the exhaust emission limit is 3.0 per metre (coefficient of absorption) or in any other case 2.5 per metre (coefficient of absorption).

Requirements for such tests are laid out in point 8.2 of Annex II to Directive 96/96/EC and point 2 of Annex II to Directive 2000/30/EC. These provisions have been respectively amended by Commission Directive 2003/27/EC and Commission Directive 2003/26/EC. The effect of these amendments is to introduce tighter emission limits for more recently registered vehicles.

Regulation 3 of these Regulations amends regulation 74 of the 1999 Regulations so that the requirements of paragraph (16) apply to a non-passenger vehicle first used on or after 1st July 2002 which is not of a model listed in the Annex to the publication entitled ‘In-Service Exhaust Emission Standards for Road Vehicles’.

Regulation 4 of these Regulations amends Schedule 10 by introducing a default limit of 0.3% for normal idling speeds and 0.2% for fast idling speeds for vehicles propelled by spark ignition engines first used on or after 1st July 2002. It also introduces a default limit of 1.5 per metre (coefficient of absorption) for vehicles propelled by compression ignition engines first used on or after 1st July 2008.

Copies of the relevant EC Directives can be obtained from TSO.

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