

2004 No. 67

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment No. 3)
Regulations (Northern Ireland) 2004**

Made - - - - - *26th February 2004*

Coming into operation *21st May 2004*

The Department of the Environment, in exercise of the powers conferred on it by Articles 55(1), (2) and (6), 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.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 3) Regulations (Northern Ireland) 2004 and shall come into operation on 21st May 2004.

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

Amendment to regulation 2 (interpretation)

2. In regulation 2(1) of the principal Regulations –

(a) after the definition of “agricultural trailed appliance conveyor” there shall be inserted –
“ “anti-lock braking system (“ABS”)” means a part of a service braking system which automatically controls the degree of slip, in the direction of rotation of the wheel or wheels, on one or more wheels of the vehicle during braking;”;

(b) after the definition of “industrial tractor” there shall be inserted –

“ “ISO” means International Organisation for Standardisation;

“ISO 7638 connector” means an electrical connector that complies with standard ISO 7638: 1997-1 or ISO 7638: 1997-2 and is used to provide a dedicated power supply and a communication link between the tow vehicle and trailer;”.

Amendment to regulation 3 (application and exemptions)

3. In regulation 3 of the principal Regulations the following items shall be added to the Table after item 7 –

^(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. 28, S.R. 2002 No. 256, S.R. 2002 No. 375, S.R. 2003 No. 145 and S.R. 2003 No. 517

“8.	A public works vehicle which has a maximum design weight not exceeding 7,500 kg and is specifically designed for use and used solely for the purpose of street cleansing.	Regulation 20(5A) and (12A) in respect of the requirements in Community Directive 98/12/EC and ECE Regulation 13.09 which require the fitting of ABS to goods vehicles over 3,500 kg in weight.
9.	A vehicle being used by the Police Service of Northern Ireland which has been authorised by the Chief Constable to perform accident reconstruction duties.	Regulation 20(5A) and (12A) in respect of the requirements in Community Directive 98/12/EC and ECE Regulation 13.09 which prohibit the use of an isolation switch for the operation of ABS.”.

Amendment to regulation 20 (braking systems of certain vehicles first used on or after 1st April 1983)

4.—(1) Regulation 20(a) of the principal Regulations shall be amended in accordance with paragraphs (2) to (12).

(2) After paragraph (5) there shall be inserted the following –

“(5A) Save as provided in paragraphs (6), (7), (8), (12) and (12A) the braking system of every wheeled vehicle of a class specified in an item in column 2 of the Table which, in the case of a motor vehicle, is first used on or after 21st May 2004 or which, in the case of a trailer, is manufactured on or after 21st May 2004 shall comply with the construction, fitting and performance requirements of Annexes I, II, and VII to Community Directive 98/12/EC and if relevant, Annexes III, IV, V, VI, VIII, X, XI, XII, XIII and XIV to that Directive in relation to the category of vehicles specified in that item in column 3.

Provided that it shall be lawful for any vehicle of such a class which, in the case of a motor vehicle, was first used before 21st May 2004 or which, in the case of a trailer, was manufactured before 21st May 2004 to comply with the said requirements instead of complying with paragraphs (1), (2), (4) or (5) or with regulations 21 and 22.”.

(3) In paragraph (6), for “(4) and (5)” there shall be substituted “(4), (5) and (5A)”.

(4) In paragraph (7) –

(a) in the first line for “(4) and (5)” there shall be substituted “(4), (5) and (5A)”;

(b) in sub-paragraph (a) –

(i) for “88/194 or 91/422” there shall be substituted “88/194, 91/422 or 98/12”, and

(ii) in head (ii), for “85/647 or 88/194” there shall be substituted “85/647, 88/194, 91/422 or 98/12”;

(c) in sub-paragraph (b) –

(i) in head (i), for “88/194 or 91/422” there shall be substituted “88/194, 91/422 or 98/12”, and

(ii) in head (iii), for “88/194, or 91/422” there shall be substituted “88/194, 91/422 or 98/12”; and

(d) in sub-paragraph (d), for “13.05 or 13.06” there shall be substituted “13.05, 13.06, 13.07, 13.08 or 13.09”.

(5) In paragraph (8), for “paragraph (2)” there shall be substituted “paragraphs (2), (4), (5) and (5A)”.

(6) In paragraph (9) –

(a) for “paragraph (5)” there shall be substituted “paragraph (5) or (5A)”; and

(b) in sub-paragraph (a), after “Directive 91/422” there shall be inserted “or Community Directive 98/12”.

(7) In paragraph (10), for “13.04 or 13.05” there shall be substituted “13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”.

(a) Regulation 20 was amended by S.R. 2002 No. 375, regulation 5

(8) In paragraph (11), for “13.05 or 13.06” there shall be substituted “13.05, 13.06, 13.07, 13.08 or 13.09”.

(9) In paragraph (12)(b) for “13.06” there shall be substituted “13.06, 13.07, 13.08 or 13.09”.

(10) After paragraph (12) there shall be inserted –

“(12A) Instead of complying with paragraph (5A), a vehicle to which this regulation applies may comply with ECE Regulation 13.09.”.

(11) In paragraph (13), for “88/194 or 91/422” there shall be substituted “88/194, 91/422 or 98/12”.

(12) After paragraph (13) there shall be inserted –

“(14) For the purposes of the preceding provisions of this regulation the date on which a trailer was manufactured shall be taken to be the date on which its manufacture was completed.”.

Amendment to regulation 21 (braking systems of vehicles to which regulation 20 does not apply)

5.—(1) Regulation 21(a) of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) For paragraph (2) there shall be substituted –

“(2) This regulation does not apply to a vehicle which complies with regulation 20 by virtue of the proviso to regulation 20(1), (2), (4), (5) or (5A) or which complies with Community Directive 79/489, 85/647, 88/194, 91/422 or 98/12 or ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09.”.

(3) In the Table after paragraph (6) the following entry shall be inserted –

“5.	Vehicles with 3 wheels (excluding two-wheeled vehicles with a sidecar attached) and with – (a) an engine capacity exceeding 50 cc, or (b) a maximum design speed exceeding 50 km/h.	L5”.
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Amendment to regulation 22 (vacuum or pressure brake warning devices)

6. In regulation 22(b) of the principal Regulations, for paragraph (2)(a) there shall be substituted –

“(a) a vehicle to which paragraph (1), (2), (4), (5) or (5A) of regulation 20 applies, or which complies with the requirements of that regulation, of Community Directive 79/489, 85/647, 88/194, 91/422 or 98/12 or of ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09;”.

Amendment to regulation 23 (couplings on trailer pneumatic braking systems)

7.—(1) Regulation 23 of the principal Regulations shall be amended in accordance with paragraphs (2) to (8).

(2) In paragraph (1) –

(a) for the definition of “BS coupling” there shall be substituted –

“ “BS coupling” means a coupling which –

(a) is of the type shown in figure 1, 4 or 5 of the British Standard specification BS AU 138a: 1980 or figure 1, 2 or 3 of the British Standard specification BS AU 138b: 2000; and

(a) Regulation 21 was amended by S.R. 2001 No. 28, regulation 2

(b) Regulation 22 was amended by S.R. 2001 No. 28, regulation 3

- (b) complies with the dimensions shown in figure 1, 4 or 5 of the British Standard specification BS AU 138a: 1980 or figure 1, 2 or 3 of the British Standard specification BS AU 138b: 2000;”.
- (b) in the definition of “the British Standard specification” after “BS AU 138a: 1980” there shall be inserted “or BS AU 138b: 2000”.
- (3) For paragraph (3)(a) there shall be substituted –
“(a) is of the type shown in figure 2 of the British Standard specification BS AU 138a: 1980 or figure 4 of the British Standard specification BS AU 138b: 2000;”.
- (4) For paragraph (4)(a) there shall be substituted –
“(a) is of the type shown in figure 3 of the British Standard specification BS AU 138a: 1980 or figure 5 of the British Standard specification BS AU 138b: 2000;”.
- (5) For paragraph (5)(a) there shall be substituted –
“(a) is of the type shown in figure 6 of the British Standard specification BS AU 138a: 1980 or figure 6 of the British Standard specification BS AU 138b: 2000;”.
- (6) For paragraph (7) there shall be substituted –
“(7) Paragraph (3) does not prevent a service line being equipped with a relevant coupling which fulfils the requirements of –
(a) a standard or code of practice of a national standards body or equivalent body of any EEA State;
(b) any international standard recognised for use as a standard by any EEA State; or
(c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides, in relation to couplings, a level of safety and compatibility with BS couplings of the type shown in figure 1 of the British Standard specification BS AU 138a: 1980 or figure 1 of the British Standard specification BS AU 138b: 2000 equivalent to that provided by those specifications as modified in accordance with paragraph (6).”.

- (7) For paragraph (8) there shall be substituted –
“(8) Paragraph (7) shall have effect –
(a) in relation to paragraph (4), as if for the words “paragraph (3)” there were substituted the words “paragraph (4)” and for the words “figure 1” in the first and second places in which they occur there were substituted the words “figure 4” and “figure 2” respectively; and
(b) in relation to paragraph (5), as if for the words “paragraph (3)” there were substituted the words “paragraph (5)” and for the words “figure 1” in the first and second places in which they occur there were substituted the words “figure 5” and “figure 3” respectively.”.

Amendment to regulation 24 (maintenance and efficiency of brakes)

8.—(1) Regulation 24 of the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

- (2) After paragraph (3) there shall be inserted –

“(3A) Where a goods vehicle of category N₂ or N₃ is being used to tow a trailer of category O₃ or O₄ and both vehicles are fitted with an ISO 7638 connector to provide a dedicated power supply to the ABS, then these connectors shall be used regardless of any alternative method available on the vehicles to provide such power.”.

- (3) In item 1 of Table I for the words “Community Directive 79/489, 85/647, 88/194 or 91/422 or with ECE Regulation 13.03, 13.04, 13.05 or 13.06” there shall be substituted –

“Community Directive 79/489, 85/647, 88/194, 91/422 or 98/12 or with ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”.

(4) In paragraph (13) for the words “Community Directive 79/489, 85/647, 88/194 or 91/422 or ECE Regulation 13.03, 13.04, 13.05 or 13.06” there shall be substituted –

“Community Directive 79/489, 85/647, 88/194, 91/422 or 98/12 or ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”

Amendment to regulation 74A (emission of smoke, vapour, gases, oily substances etc. – further requirements for certain motor vehicles first used on or after 28th February 2003)

9. In the Table in regulation 74A(a) of the principal Regulations –

(a) in column (3) of item 1, after “1999/102/EC” there shall be inserted “2001/1/EC”;

(b) in column (3) of item 2, after “1999/96/EC” there shall be inserted “2001/27/EC”.

Amendment to Schedule 1 (Community Directives and ECE Regulations)

10.—(1) Schedule 1(b) to the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In Table I –

(a) after item 91 there shall be inserted the following item –

“91A.	98/12	27.1.98	L81, 18.3.98, p. 1	The braking devices of certain vehicles and their trailers	71/320 as amended by 74/132, 75/524, 79/489, 85/647, 88/184, 91/422 and 98/12”;	
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(b) after item 94(c) there shall be added the following items –

“95.	2001/1	22.01.2001	L35, 6.2.2001, p. 34	Measures to be taken against air pollution by emissions from motor vehicles	70/220 as amended by 74/290, 77/102, 78/665, 83/351, 88/76, 88/436, 89/491, 91/441, 93/59, 94/12, 96/44, 96/69, 98/69 and 1999/102	
96.	2001/27	10.04.2001	L107, 18.4.2001 p. 10	Measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles	88/77 as amended by 91/542 and 1999/96”.	

(3) In Table II, after item 7 there shall be inserted the following items –

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- (a) Regulation 74A was inserted by S.R. 2002 No. 375, regulation 10
 (b) Schedule 1 was amended by S.R. 2001 No. 28, regulation 7, S.R. 2002 No. 256, regulation 6, S.R. 2002 No. 375, regulation 13 and S.R. 2003 No. 145, regulation 3
 (c) Item 92, 93 and 94 were inserted by S.R. 2002 No. 375, regulation 13(3)

“7A.	13.08	13	29.5.69	Brakes	26.3.95	–
7B.	13.09	13	29.5.69	Brakes	28.8.96	–”.

Amendment to Schedule 2 (braking requirements)

11.—(1) Schedule 2 to the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In item 4 in the Table, for the words “79/489, 85/647, 88/194 or 91/422 or ECE Regulation 13.03, 13.04, 13.05 or 13.06” there shall be substituted “79/489, 85/647, 88/194, 91/422 or 98/12 or ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”.

(3) In item 6 in the Table, for the words “79/489, 85/647, 88/194 or 91/422 or ECE Regulation 13.03, 13.04, 13.05 or 13.06” there shall be substituted “79/489, 85/647, 88/194, 91/422 or 98/12 or ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”.

Sealed with the Official Seal of the Department of the Environment on 26th February 2004.

(L.S.)

Wesley Shannon

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 454) (“the 1999 Regulations”).

Regulation 2 amends regulation 2 (interpretation) of the 1999 Regulations by inserting a definition of “anti-lock braking system (ABS)” to reflect the requirements of Community Directive 98/12/EC. It also inserts a definition of “ISO” and “ISO 7638 connector” which is a required connector for vehicles defined and operated in accordance with paragraph (3A) of regulation 24 (maintenance and efficiency of brakes).

Regulation 3 introduces two new exemptions from the requirements in regulations 20(5A) and (12A) of the 1999 Regulations concerning anti-lock braking systems (“ABS”). Purpose built vehicles with a maximum design weight not exceeding 7,500 kg designed and used for street cleansing are exempted from the requirement to have ABS fitted. Vehicles used by the Police Service of Northern Ireland which have been authorised by the Chief Constable to perform accident reconstruction duties are exempted from the prohibitions on the use of isolation switches for the operation of ABS.

Regulation 4 amends regulation 20 of the 1999 Regulations (braking systems of certain vehicles first used on or after 1st April 1983) by inserting references to Council Directive 98/12/EC, and the latest version of the United Nations ECE Regulations 13.07, 13.08 and 13.09. This has the effect of extending the categories of vehicles which are required to be fitted with ABS at the point of manufacture to include all passenger-carrying vehicles with more than 8 passenger seats in addition to the driver's, all goods vehicles over 3,500 kg and all trailers over 3,500 kg. This extension will apply to all new vehicles of the relevant kinds first used on or after 21st May 2004. The Road Vehicles (Brake Linings Safety) Regulations 1999 (S.I. 1999/2978) gave effect to Commission Directive 98/12/EC of 27th January 1998. The 1998 Directive lays down standards for asbestos-free brake linings, adapting to technical progress Council Directive 71/320/EEC on the approximation of the laws of Member States relating to the braking devices of certain categories of light motor vehicles and their trailers.

Regulation 4 also introduces a new definition of “date of manufacture” in respect of trailers.

Regulations 5 and 6 amend, respectively, regulation 21 (braking systems of vehicles to which regulation 20 does not apply) and regulation 22 (vacuum or pressure brakes warning devices) of the 1999 Regulations by inserting references to Council Directive 98/12/EC and the latest version of the United Nations ECE Regulations 13.07, 13.08 and 13.09.

Regulation 7 amends regulation 23 (couplings on trailer pneumatic braking systems) of the 1999 Regulations by introducing the new British Standard specification BS AU 138b: 2000 as an acceptable alternative for couplings used on pneumatic braking systems. Provision has been made for compliance with a corresponding standard.

Regulation 8 introduces new requirements into regulation 24 (maintenance and efficiency of brakes) of the 1999 Regulations, which relates to the electrical connection between a tow vehicle and trailer in order to provide a dedicated power supply to the ABS. The regulation also inserts references to Council Directive 98/12/EC and the latest version of the United Nations ECE Regulations 13.07, 13.08 and 13.09.

Regulation 9 adds references to recent Directives 2001/1/EC and 2001/27/EC into item 1 and item 2 of the Table in regulation 74A, specifying requirements in relation to smoke, gas and other similar emissions.

Regulation 10 makes amendments to the tables of Community Directives and United Nations ECE Regulations in Schedule 1 to the 1999 Regulations by inserting details of

Commission Directive 98/12/EC of 27th January 1998, Commission Directive 2001/1/EC of 22nd January 2001, Commission Directive 2001/27/EC of 10th April 2001 and ECE Regulations 13.08 and 13.09 in the relevant places.

Regulation 11 makes amendments to the table in Schedule 2 to the 1999 Regulations concerning braking requirements by inserting details of Commission Directive 98/12/EC of 27th January 1998 and United Nations ECE Regulations 13.07, 13.08 and 13.09 in the relevant places.

These Regulations have been notified to the European Commission pursuant to European Parliament and Council Directive 98/34/EC of 22nd June 1998 (O.J. No. L204, 21.7.98, p. 37) as amended by European Parliament and Council Directive 98/48/EC of 20th July 1998 (O.J. No. L217, 5.8.98, p. 18) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

Copies of the relevant EC Directives, ECE Regulations and other Regulations can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.

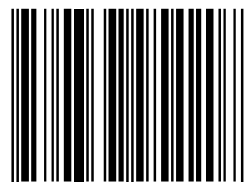
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