

**2011 No. 20**

**ROAD TRAFFIC AND VEHICLES**

**The Motor Vehicles (Construction and Use) (Amendment)  
Regulations (Northern Ireland) 2011**

*Made* - - - - - *28th January 2011*

*Coming into operation* - *1st March 2011*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 55(1) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 1<sup>st</sup> March 2011.

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

**Insertion of regulation 30A into the principal Regulations**

2. After regulation 30 of the principal Regulations (tyre loads and speed ratings) insert—

**“Tyre noise**

**30A.**—(1) Subject to paragraphs (2) and (3), any replacement tyre (not being a retreaded or part-worn tyre) must be marked with an S mark where it is to be fitted to an axle of—

- (a) a passenger vehicle with 4 wheels or more;
- (b) a goods vehicle;
- (c) a dual purpose vehicle; or
- (d) a trailer constructed or adapted for use with a passenger vehicle, a goods vehicle or a dual purpose vehicle.

(2) Paragraph (1) applies to—

- (a) Class C1d tyres on or after 1<sup>st</sup> March 2011; and
- (b) Class C1e tyres on or after 1<sup>st</sup> October 2011.

(3) Paragraph (1) does not apply to—

- (a) tyres whose speed rating is less than 80km/h;

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(a) S.I. 1995/2994 (N.I. 18)

(b) S.R. 1999 No.454; relevant amending regulations are S.R. 2004 No.67

- (b) tyres whose nominal rim diameter does not exceed 254mm (code 10 as defined in Article 1a of Community Directive 92/23 as amended by Community Directive 2001/43) or is 635mm (code 25 as defined in Article 1a of Community Directive 92/23 as amended by Community Directive 2001/43) or more;
- (c) T-type temporary-use spare tyres; or
- (d) tyres designed only to be fitted to vehicles described in paragraph (1) that were registered for the first time before 1<sup>st</sup> October 1980.

(4) In this regulation—

“Class C1d tyre” means a tyre designed for a passenger vehicle with a nominal section width greater than 185mm but less than or equal to 215mm;

“Class C1e tyre” means a tyre designed for a passenger vehicle with a nominal section width greater than 215mm;

“dual purpose vehicle” has the meaning given by Article 2(2) of the 1981 Order;

“nominal rim diameter” has the same meaning as in section 2.18 of Annex II of Community Directive 92/23 as amended by Community Directive 2001/43;

“part-worn tyre” means a tyre that is not new when fitted;

“replacement tyre” means—

- (a) a Class C1d tyre sold, or intended to be sold, on or after 1<sup>st</sup> March 2011;
- (b) a Class C1e tyre sold, or intended to be sold, on or after 1<sup>st</sup> October 2011; or
- (c) any other tyre sold, or intended to be sold, on or after the date these Regulations come into operation,

where that tyre replaces, or is intended to replace, a tyre fitted to the axle of any vehicle to which paragraph (1) applies;

“rim” has the same meaning as in section 2.19 of Annex II of Community Directive 92/23 as amended by Community Directive 2001/43;

“S mark” means the marking designated as an approval mark by regulation 4 of the Approval Marks Regulations and shown at item 16 or 16A in Schedule 2 to those Regulations;

“section width” has the same meaning as in section 2.12 of Annex II of Community Directive 92/23 as amended by Community Directive 2001/43; and

“T-type temporary-use spare tyre” has the same meaning as in section 2.3.6 of Annex II of Community Directive 92/23 as amended by Community Directive 2001/43, and “temporary-use spare tyre” has the same meaning as in section 2.3.5 of Annex II of Community Directive 92/23 as amended by Community Directive 2001/43.”

### Amendment of Schedule 1 to the principal Regulations

3.—(1) In Table I of Schedule 1 to the principal Regulations (Community Directives and ECE Regulations) after item 96 insert—

“96A.	2001/43	4.8.2001	L211, 4.8.2001, p.25	Tyres for motor vehicles and their trailers and to their fitting	92/23”
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(2) In Table II of Schedule 1 to the principal Regulations after item 41 add—

“42	117.01	117	6.4.2005	Tyres-Rolling sound emissions and adhesion to wet surfaces	2.2.2007	— —”
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Sealed with the Official Seal of the Department of the Environment on 28<sup>th</sup> January 2011.



*Deirdre Kenny*  
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”) by inserting regulation 30A which requires that tyres fitted to certain vehicles are marked with an S mark to show that they comply with the noise emission requirements of Directive 92/23/EEC as amended by Directive 2001/43/EC.

These Regulations implement Article 10a(5) of Council Directive 92/23/EEC of 31 March 1992 (OJ No. L129, 14.5.1992, p.95) as amended by Directive 2001/43/EC of the European Parliament and the Council of 27 June 2001 (OJ No. L.211, 4.8.2001, p.25) (“Tyres Directive”) relating to tyres for motor vehicles and their trailers and to their fitting. In particular, Article 10a(5) prohibits the entry into service and sale of tyres that do not meet the requirements set out in Annex II and V of the Tyres Directive. Prohibitions on the entry into service and sale of tyres that fail to meet the EC type approval requirements in Annex II are already in place. These Regulations transpose the prohibition on the sale of tyres that do not comply with the noise emission requirements in Annex V. Regulation 30A places a construction and use requirement on replacement tyres ensuring that they are marked to show compliance with the requirements of the Tyres Directive. It is an offence to supply tyres that do not meet construction and use requirements by virtue of Article 84 of the Road Traffic (Northern Ireland) Order 1995.

Regulation 2 inserts regulation 30A into the 1999 Regulations. Paragraph (1) of regulation 30A provides that replacement tyres for certain vehicles must be marked with an S mark to show that they comply with the requirements on noise emissions. Paragraph (2) delays the application of the S mark requirement for C1d and C1e tyres until 1<sup>st</sup> March 2011 and 1<sup>st</sup> October 2011 respectively. Paragraph (3) lists those tyres that are exempt from the requirements of paragraph (1). For the purpose of these Regulations, a replacement tyre is any tyre sold, or intended to be sold, on or after these Regulations come into operation, or in the case of C1d and C1e tyres, sold or intended to be sold on or after the date from which these Regulations apply to them. This definition of a replacement tyre is included in paragraph (4) along with the other definitions.

Regulation 3 amends Table I of Schedule I to the 1999 Regulations by adding Directive 2001/43/EC and amends Table II of Schedule I to the 1999 Regulations by adding UNECE Regulation 117.

European Directives may be downloaded without charge from the European Union Law Website (EURLEX): <http://eur-lex.europa.eu/en/index.htm>.

A transposition note setting out how these Regulations transpose the provisions of the Tyres Directive is available from the Department of the Environment, Clarence Court, 10-18 Adelaide Street, Belfast, BT2 8GB and is annexed to the Explanatory Memorandum which is available alongside these Regulations on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).

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