

2011 No. 329

ROAD TRAFFIC AND VEHICLES

**The Road Vehicles Lighting (Amendment No. 3) Regulations
(Northern Ireland) 2011**

Made - - - - - *22nd September 2011*

Coming into operation - *21st October 2011*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 55(1), (2), (4) 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 Road Vehicles Lighting (Amendment No. 3) Regulations (Northern Ireland) 2011 and shall come into operation on 21st October 2011.

(2) In these Regulations “the principal Regulations” means the Road Vehicles Lighting Regulations (Northern Ireland) 2000(b).

Amendments to regulation 2 (interpretation)

2.—(1) Regulation 2 of the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) after the definition of “Community Directive 76/756/EEC, as last amended by Directive 91/663/EEC” insert—

““conspicuity marking” means a device intended to increase the conspicuity of a vehicle, when viewed from the side or rear, by the reflection of light emanating from a light source not connected to the vehicle, the observer being situated near the source(c);”;

(b) in the definition of “emergency vehicle”(d)—

(i) in sub-paragraph (a) for “fire brigade” substitute “fire and rescue authority”;

(ii) at the end of sub-paragraph (j) omit “and”;

(iii) after sub-paragraph (k) add—

“and

(a) S.I. 1995/2994 (N.I. 18); see Article 2(2) for the definition of “the Department” and “prescribed”

(b) S.R. 2000 No. 169; relevant amending Regulations are S.R. 2001 No. 171, S.R. 2007 No. 239 and S.R. 2011 No. 49

(c) The same definition is used in ECE Regulation 48 (see paragraph 2.7.17.)

(d) The definition of “emergency vehicle” was amended by regulation 2 of S.R. 2007 No. 239

- (l) a search and rescue vehicle deployed on the authority of the Chief Constable on search and rescue operations;”;
- (c) after the definition of “kg” insert—
 - ““km/h means kilometres per hour;”;
- (d) after the definition of “main beam” insert—
 - ““mandatory ECE conspicuity requirements” means the requirements specified in—
 - (a) paragraph 5.15. of ECE Regulation 48 in respect of a conspicuity marking, and
 - (b) paragraph 6.21. of ECE Regulation 48 as relating to vehicles for which the fitting of conspicuity markings is mandatory;”;
- (e) after the definition of “optional” insert—
 - ““optional ECE conspicuity requirements” means the requirements specified in—
 - (a) paragraph 5.15. of ECE Regulation 48 in respect of a conspicuity marking, and
 - (b) paragraph 6.21. of ECE Regulation 48 as relating to vehicles for which the fitting of conspicuity markings is optional;”.
- (3) After paragraph (7) add—

“(8) In these Regulations, a reference to “ECE Regulation” followed by a number is a reference to the regulation of the same number annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicle Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 2nd March 1958 as revised and re-titled the Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for reciprocal recognition of approvals granted on the basis of these Prescriptions by an agreement at Geneva on 5th October 1995.

(9) In these Regulations, a reference to ECE Regulation 48 is to that Regulation as amended by the 03 series of amendments (as in force on 12th June 2007) with the following modifications—

- (a) footnote 6 is omitted;
- (b) paragraph 6.21.4.1.3. is deemed to read “In the case of a motor vehicle first used before 10th October 2011 or a trailer sold or supplied by retail before 10th October 2011, where it is impossible to achieve the value referred to in paragraph 6.21.4.1.2. above, the cumulative length may be reduced to 60 per cent.”;
- (c) paragraph 6.21.4.2.3. is deemed to read “In the case of a motor vehicle first used before 10th October 2011 or a trailer sold or supplied by retail before 10th October 2011, where it is impossible to achieve the value referred to in paragraph 6.21.4.2.2. above, the cumulative length may be reduced to 60 per cent;”;
- (d) footnote 10 is omitted;
- (e) in paragraph 6.21.7.3. the reference to a “mandatory stop lamp” is deemed to be a reference to an obligatory stop lamp;
- (f) in paragraph 6.21.7.4. the words “at the discretion of the manufacturer” are omitted; and
- (g) paragraph 6.21. is deemed to contain the following paragraph inserted after paragraph 6.21.7.5.—
 - “6.21.7.6. No conspicuity marking may be fitted unless it bears the international approval mark referred to in paragraph 5.4. of ECE Regulation 104 (as in force on 11th July 2008)(a).”

(a) Cmnd. 1830 5.10.1995; this Agreement is known as the “UNECE Vehicle Regulations – 1958 Agreement”

Amendments to regulation 11A (modifications in relation to vehicles approved under the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001)

3. In regulation 11A(1) of the principal Regulations(a)—

- (a) in the definition of “coefficient of luminous intensity”, for “ECE Regulation 3.01” substitute “ECE Regulation 3 as amended by the 01 series of amendments (as in force on 20th March 1982)”; and
- (b) omit the definition of “ECE Regulation 3.01”.

Amendments to regulation 13 (colour of light shown by lamps and reflectors)

4.—(1) Regulation 13 of the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

- (a) at the end of sub-paragraph (c) omit “or”; and
- (b) after sub-paragraph (d) add—

“or

- (e) a red light from a dot matrix message bar to the rear of a vehicle used by the Driver and Vehicle Agency for enforcement purposes.”.

(3) In paragraph (2)—

- (a) after sub-paragraph (l)(xii) add—

“(xiii) a vehicle used for the purpose of driver and vehicle enforcement;”;

- (b) at the end of sub-paragraph (w) omit “or”;

- (c) for sub-paragraph (x) substitute—

“(x) reflected light from a yellow conspicuity marking where the fitting of that marking complies with the mandatory or optional ECE conspicuity requirements; or

- (y) reflected light from yellow or orange retro reflective material fitted to the rear of a vehicle used for—

- (i) police;
- (ii) fire and rescue authority;
- (iii) ambulance; or
- (iv) Driver and Vehicle Agency enforcement,

purposes.”.

Amendments to regulation 15 (lamps to show a steady light)

5. In regulation 15(2) of the principal Regulations(b)—

- (a) at the end of sub-paragraph (h) omit “or”;

- (b) after sub-paragraph (i) add—

“(j) a vehicle used by the Driver and Vehicle Agency for enforcement purposes fitted with—

- (i) a lamp which automatically emits a flashing white light to the front,
 - (ii) a dot matrix message bar which emits a flashing red light to the front and rear;
- or

- (k) a vehicle used for fire and rescue authority purposes.”.

(a) Regulation 11A was inserted by regulation 2 of S.R. 2001 No. 171

(b) Regulation 15 was amended by regulation 5 of S.R. 2007 No. 239 and regulation 3 of S.R. 2011 No. 49

Amendments to regulation 21 (obligatory lamps, reflectors, rear markings and devices)

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

(2) In paragraph (1) after “of these Regulations” insert “, in regulation 23A(8)”.

(3) In paragraph (3) after “23”, insert “, 23A”.

Amendment to regulation 23 (optional lamps, reflectors, rear markings and devices)

7. In regulation 23, for “Every optional lamp”, substitute “Subject to regulation 23A(8), every optional lamp”.

Insertion of regulation 23A

8. After regulation 23 of the principal Regulations insert—

“Application of the ECE conspicuity requirements

23A.—(1) Subject to paragraphs (2), (3) and (4), a “relevant goods vehicle” to which this regulation applies is—

- (a) a motor vehicle first used on or after 10th July 2011; or
- (b) a trailer sold or supplied by retail on or after 10th July 2011,

and shall be fitted with conspicuity markings which comply with the mandatory ECE conspicuity requirements.

(2) Paragraph (1) does not apply in respect of a relevant goods vehicle which is—

- (a) a motor vehicle with a maximum gross weight not exceeding 7500 kg;
- (b) a trailer with a maximum gross weight not exceeding 3500 kg;
- (c) an incomplete vehicle proceeding to a works for completion or to a place where it is to be stored or displayed for sale; or
- (d) a motor car or heavy motor car intended to form part of an articulated vehicle.

(3) If the overall length of a relevant goods vehicle does not exceed 6 m, conspicuity markings that comply with the mandatory ECE conspicuity requirements need not be fitted to the side of that vehicle.

(4) If the overall width of a relevant goods vehicle does not exceed 2.1 m, conspicuity markings that comply with the mandatory ECE conspicuity requirements need not be fitted to the rear of the vehicle.

(5) To the extent that, pursuant to paragraph (3) or (4), a relevant goods vehicle is not required to be fitted with conspicuity markings to the side or rear that comply with the mandatory ECE conspicuity requirements, conspicuity markings which comply with the optional ECE conspicuity requirements may be fitted to the side or rear (as the case may be).

(6) Subject to paragraph (7), a vehicle which is not a relevant goods vehicle may be fitted with conspicuity markings which comply with the optional ECE conspicuity requirements.

(7) Paragraph (6) does not apply in respect of—

- (a) a passenger vehicle (other than a bus); or
- (b) a trailer with a maximum gross weight not exceeding 750 kg.

(8) A requirement imposed under regulation 21 or 23 is to be disregarded to the extent it is incompatible with paragraph (1), (5) or (6).

(a) Regulation 21 was amended by regulation 6 of S.R. 2007 No. 239

(9) In this regulation “motor car” and “heavy motor car” have the same meaning as in regulation 2 of the Construction and Use Regulations.”.

Amendments to regulation 27 (requirements about the use of front and rear position lamps, rear registration plate lamps, side marker lamps and end-outline marker lamps)

9.—(1) Regulation 27 of the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (7)(a) for “the unladen weight of which does not exceed 1525 kg” substitute “the gross weight of which does not exceed 2500 kg”.

(3) After paragraph (9) insert—

“(10) In this regulation “gross weight” has the same meaning as in regulation 2 of the Construction and Use Regulations.”.

Amendment to regulation 30 (restrictions on the use of lamps other than those to which regulation 27 refers)

10. In the Table in regulation 30 of the principal Regulations after item 10 insert—

“10A.	A flashing red light fitted on the rear of a vehicle used for fire and rescue authority purposes	Used whilst vehicle is in motion.”.
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Amendments to Schedule 1 (obligatory lamps, reflectors, rear markings and devices)

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

(2) In Table I in column (3) of the entry for “Rear marking”—

(a) at the end of paragraph (c) omit “or”; and

(b) after paragraph (d) add—

“or

(e) a vehicle fitted with conspicuity markings to the rear where the fitting of those markings complies with the mandatory or optional ECE conspicuity requirements.”.

(3) In Table VI in column (3) of the entry for “Rear marking”—

(a) at the end of paragraph (f) omit “or”; and

(b) after paragraph (g) add—

“or

(h) a trailer fitted with conspicuity markings to the rear where the fitting of those markings complies with the mandatory or optional ECE conspicuity requirements.”.

Amendments to Schedule 7 (requirements relating to obligatory direction indicators and to optional direction indicators to the extent specified in Part II)

12.—(1) Schedule 7 to the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) In Part I—

(a) in the right hand column of paragraph 1(a) for “(Category 5)” substitute “(Category 5 or 6)”;

(b) in paragraph 3(a)(ii)(A) for “(B) or (C)” substitute “(B), (C) or (D)”;

(c) after paragraph 3(a)(ii)(C) insert—

“(D) Where the indicator is a Category 6 indicator:	30° above and 5° below the horizontal”;
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(d) in paragraph 4(c) for “(Category 5)” substitute “(Category 5 or 6)”; and

(e) in the right hand column of paragraph 5(a) in sub-paragraph (c) after “5” insert “or 6”.

(3) In Part III in the first diagram after “Category 5” insert “or 6”.

Amendments to Schedule 14 (requirements relating to optional reversing lamps)

13.—(1) Schedule 14 to the principal Regulations is amended in accordance with paragraphs (2) to (5).

(2) In paragraph 1 for “Not more than two” substitute—

“Not more than two but if the vehicle has an overall length which exceeds 6 m and is—

- (a) a bus; or
- (b) a vehicle which is not a passenger vehicle,

four may be fitted.”.

(3) In paragraph 4 for “To the rear” substitute—

“To the rear but if, in accordance with paragraph 1, four are fitted the configuration shall be—

- (a) four to the rear; or
- (b) two to the rear and one on each side.”.

(4) In paragraph 10 for “No requirement” substitute—

“No requirement except that if, in accordance with paragraph 4, reversing lamps have been fitted to the side, the following requirements shall apply in relation to those lamps—

- (a) it shall not be possible for the reversing lamps to be illuminated unless the front and rear position lamps of the vehicle are illuminated at the same time;
- (b) the reversing lamps shall be switched on and off by the manual operation of one switch which shall have no other function; and
- (c) the reversing lamps shall switch off automatically if the vehicle is moving forward at a speed of 10 km/h or more.”.

(5) In paragraph 11(a)—

- (a) for “are such that the”, substitute “are such that any”; and
- (b) after “lamps” insert “fitted to the rear”.

Amendment to Part II of Schedule 17 (requirements relating to optional side retro reflectors)

14. For Part II of Schedule 17 to the principal Regulations substitute—

“REQUIREMENTS RELATING TO OPTIONAL SIDE RETRO REFLECTORS

Any number may be fitted and the only requirements of any which are fitted are those specified in paragraphs 7 and 8 of Part I. But, in respect of a vehicle to which paragraph 7(a) applies which is used for the purposes listed in column (1) of the Table, the permitted colours are those listed in column (2).

Table

Police	amber, yellow, blue, white or if within 1 m of the rear of the vehicle it may be red
Fire and rescue authority	amber, yellow, red

Ambulance	amber, yellow, green, white or if within 1 m of the rear of the vehicle it may be red
Driver and Vehicle Agency	amber, yellow, silver, white or if within 1 m of the rear of the vehicle it may be red”.

Amendments to Part I of Schedule 18 (requirements relating to obligatory rear retro reflectors and optional rear retro reflectors to the extent specified in Part II)

15. In Part I of Schedule 18 to the principal Regulations—

- (a) in the right hand column of paragraph 2(c)(i)(A), for “1200 mm” substitute “1500 mm”;
- (b) in the right hand column of paragraph 2(c)(iii)(A), for “350 mm” substitute “250 mm”;
- and
- (c) in the right hand column of paragraph 3(a)(i)(B)(1), for “15⁰⁰” substitute “10⁰⁰”.

Amendment to Part II of Schedule 18 (requirements relating to optional rear retro reflectors)

16. For Part II of Schedule 18 to the principal Regulations substitute—

“REQUIREMENTS RELATING TO OPTIONAL REAR RETRO REFLECTORS

Any number may be fitted and the only requirements in respect of any which are fitted are those specified in paragraphs 7 and 8(b) of Part I. But the colour of rear retro reflectors fitted to a vehicle used for—

- (a) police;
- (b) fire and rescue authority;
- (c) ambulance; or
- (d) Driver and Vehicle Agency,

purposes may be red, yellow or orange (or any combination).”.

Amendments to Part I of Schedule 19 (requirements relating to obligatory rear markings and optional rear markings to the extent specified in Part II)

17. In Part I of Schedule 19 to the principal Regulations—

- (a) in paragraph 5(a) after “sub-paragraph (b)”, insert “or (c)”;
- (b) in paragraph 5(b) for “A motor vehicle”, substitute “Unless covered by sub-paragraph (c), a motor vehicle”;
- (c) after paragraph 5(b) add—

“(c)	A motor vehicle first used on or after 10 th July 2011 and a trailer sold or supplied by retail on or after 10 th July 2011:	(d) A 70.01 mark”;
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- (d) at the end of paragraph 8(a) omit “and”; and
- (e) after paragraph 8(b) add—

“; and

- (c) “70.01 mark” means the international approval mark referred to in paragraph 5.4.1 of ECE Regulation 70 as amended by the 01 series of amendments (as in force on 15th October 2008).”.

Amendments to Part I of Schedule 21 (requirements relating to obligatory front retro reflectors and to optional front retro reflectors to the extent specified in Part II)

18. In Part I of Schedule 21 to the principal Regulations—

- (a) in the right hand column of paragraph 2(c)(ii), for “350 mm” substitute “250 mm”; and
- (b) in the right hand column of paragraph 3(b)(i) and (ii), for “15^o” substitute “10^o”.

Sealed with the Official Seal of the Department of the Environment on 22nd September 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 Road Vehicles Lighting Regulations (Northern Ireland) 2000 so as to—

- make provision in relation to the fitting of the conspicuity markings provided for by paragraph 6.21 of ECE Regulation 48 (ECE Regulations are international standards) (regulations 6, 7, 8, 11, 17 and 18);
- permit retro reflective material of certain colours (used in a design known as the battenberg pattern) to be fitted to vehicles used for police, fire and rescue, ambulance or Driver and Vehicle Agency enforcement purposes (regulations 4, 5, 14 and 16);
- amend the definition of emergency vehicle to include vehicles used for search and rescue purposes (regulation 2);
- amend the weight requirements in respect of goods vehicles that are exempted from requirements in certain circumstances to have lamps illuminated when parked on certain roads (regulation 9); and
- align certain fitting requirements relating to direction indicators and front and rear retro reflectors with ECE Regulations (regulations 12, 13 and 15).

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 EC Directives can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.

A Regulatory Impact Assessment has been produced and may be obtained from the Department of the Environment website at www.roadsafetyni.gov.uk.

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