

2017 No. 191

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Authorised Weight) and (Construction and Use) (Amendment) Regulations (Northern Ireland) 2017

Made - - - - *15th September 2017*

Coming into operation - *16th October 2017*

The Department for Infrastructure(a) makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(b) and Articles 55 and 110(2) of the Road Traffic (Northern Ireland) Order 1995(c) and now vested in it(d).

The Department for Infrastructure is designated for the purposes of section 2(2) of the European Communities Act in relation to measures relating to the carriage of passengers and goods by road(e) and railways and railway transport(f).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Authorised Weight) and (Construction and Use) (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on 16th October 2017.

(2) The Interpretation Act (Northern Ireland) 1954(g) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999

2.—(1) The Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999(h) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) insert the following definitions in the appropriate alphabetical order—

““alternative fuel” means a fuel or power source which serves, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which has the

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- (a) Formerly the Department for Regional Development; *see* section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment was dissolved
 - (b) 1972 c. 68; section 2(2) is amended by section 27(1)(a) of the Legislative Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7)
 - (c) S.I. 1995/2994 (N.I. 18); Article 55 was amended by Article 42(1) of the Road Traffic (Northern Ireland) Order 2007
 - (d) *See* Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)
 - (e) S.I. 1996/266, to which there are amendments not relevant to these Regulations
 - (f) S.I. 1996/266
 - (g) 1954 c. 33 (N.I.)
 - (h) S.R. 1999 No. 258 as amended by S.R. 2002 No. 8

potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, consisting of—

- (a) electricity consumed in all types of electric vehicles;
- (b) hydrogen;
- (c) natural gas, including biomethane, in gaseous form and liquefied form;
- (d) liquefied petroleum gas; or
- (e) mechanical energy from on-board sources, including waste heat;”;

““alternatively fuelled vehicle” means a motor vehicle powered wholly or in part by an alternative fuel and which has been approved under the Framework Directive;”;

““bus” means a motor vehicle which is constructed or adapted to carry more than eight seated passengers in addition to the driver;”;

““Framework Directive” means Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(a);”;

““shipper” means a person who is named on the bill of lading, through bill of lading or on an equivalent transport document as the shipper and in whose name or on whose behalf a contract of carriage has been concluded with the transport company;”;

““swap body” means a part of a vehicle which is intended to bear the load, has supports and, by means of a device which is part of the vehicle, may be detached from the vehicle and re-incorporated into it;”.

(3) For regulation 3 (application of Regulations)(b) substitute—

“3. These Regulations apply to all wheeled motor vehicles and trailers which fall within category M₂, M₃, N₂, N₃, O₃ or O₄ of the wheeled categories defined in Annex II to the Framework Directive except vehicle combinations which for the time being fulfil the requirements of Part II, III and IV of Schedule 14 to the 1999 Regulations (exemptions relating to intermodal transport operations).”.

(4) In regulation 4 (maximum authorised weights)—

- (a) in paragraph (1) for “paragraph (2)” substitute “paragraphs (2) and (3)”; and
- (b) after paragraph (2) add—

“(3) The maximum authorised weight of a relevant alternatively fuelled vehicle is increased by a maximum of 1000 kg where—

- (a) a type or individual approval has been granted to the vehicle under the Framework Directive which provides evidence that the weight of the alternative fuel powertrain exceeds the weight of a conventional powertrain by a specified amount; and
- (b) the weight of the alternative fuel powertrain is included in the maximum permitted gross or train weight specified on any plates required by regulation 79 of the 1999 Regulations(c).

(4) A “relevant alternatively fuelled vehicle” means an alternatively fuelled vehicle of a type described in items 1, 5, 6 or 9 of Table 1 in Schedule 1.”.

(5) After regulation 5 (compliance with regulation 93 of the 1999 Regulations (over-riding weight restrictions))(d) add—

(a) OJ L 263, 9.10.2007, p 1

(b) Regulation 3 was substituted by S.R. 2002 No. 8, regulation 3

(c) Regulation 79 was amended by S.R. 2002 No. 294, regulation 2 and S.R. 2002 No. 375, regulation 11

(d) Regulation 5 was substituted by S.R. 2002 No. 8, regulation 5

“Information about the weight of a container

6.—(1) The shipper must give to the haulier to whom it entrusts the transport of a container or swap body a written statement indicating the gross weight of the container or swap body transported.

(2) The haulier must provide enforcement authorities access to all relevant documentation provided by the shipper.”.

(6) In Schedule 1 (maximum authorised weights for vehicles)—

- (a) in paragraph 1(1) for “Subject to paragraph 2” substitute “Subject to paragraphs 1A and 2”;
- (b) in Table 1—
 - (i) in column 2 of item 1 after “vehicle” add “which is not a bus”; and
 - (ii) after item 1 insert—

“1A	Rigid motor vehicle which is a bus	2	19500”
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; and

(c) after paragraph 1 insert—

“Maximum authorised weight of a relevant alternatively fuelled vehicle

1A. The vehicles described in items 1, 5, 6 or 9 of Table 1 may exceed the weight specified in column 4 by 1000 kg where the requirements of regulation 4(3) are fulfilled.”.

Amendment of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999

3.—(1) The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(a) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “combined transport operation”;
- (b) after the definition of “first used” insert—

““fuel cell” means a device in which hydrogen reacts with oxygen, creating water and generating an electric current;”;
- (c) in the definition of “gas-fired appliance”—
 - (i) for “neither—” substitute “none of the following—”;
 - (ii) in paragraphs (a) and (b) omit “nor”; and
 - (iii) after paragraph (c) add—

“(d) a fuel cell;”;
- (d) after the definition of “industrial tractor” insert—

“intermodal transport operation” shall be construed in accordance with paragraph 11(2) of Part V of Schedule 14;”;
- (e) after the definition of “light trailer” insert—

““liquefied petroleum gas” means—

 - (a) butane gas in any phase which meets the requirements contained in the specification of commercial butane and propane issued by the British Standards

(a) S.R. 1999 No. 454; relevant amending Regulations are S.R. 2002 No. 294, S.R. 2002 No. 375, S.R. 2004 No. 44, S.R. 2004 No. 48, S.R. 2010 No. 179, S.R. 2010 No. 181, S.R. 2011 No. 303, S.R. 2014 No. 216 and S.R. 2016 No. 160

Institution under the number BS 4250:2014 and published on 30th November 2014(a); or

- (b) propane gas in any phase which meets the requirements contained in the said specification; or
- (c) any mixture of such butane gas and such propane gas;” and
- (f) after the definition of “statutory power of removal” insert—
““swap body” means a part of a vehicle which is intended to bear the load, has supports and, by means of a device which is part of the vehicle, may be detached from the vehicle and re-incorporated into it;”.

(3) In regulation 6 (length)—

- (a) in the Table in paragraph (1)(b), after item 5 insert—

“5A	An articulated vehicle, the semi-trailer of which meets the requirements of paragraph (10), is not a low loader and is carrying one or more containers or swap bodies up to a total maximum length of 45 feet as part of an intermodal transport operation	16.65”
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; and

- (b) for paragraph 10(a) substitute—

“(a) the longitudinal distance from the axis of the king-pin to the rear of the semi-trailer does not exceed—

- (i) 12.5m in the case of a car transporter;
- (ii) 12.15m when carrying one or more containers or swap bodies up to a total maximum length of 45 feet as part of an intermodal transport operation; or
- (iii) 12m in any other case; and”.

(4) In regulation 7 (width)—

- (a) in the Table in paragraph (1)(c), in column 2 of item 2 for “A refrigerated vehicle” substitute “A refrigerated vehicle, conditioned container or swap body”;

- (b) for paragraph (4) substitute—

“(4) In this regulation—

“refrigerated vehicle” means any vehicle which is specially designed for the carriage of goods at low temperature and of which the thickness of each of the side walls, inclusive of insulation, is at least 45 mm; and

“conditioned container or swap body” means a container or swap body used to carry goods at controlled temperatures on different modes of transport.”.

(5) In regulation 49 (gas propulsion systems and gas-fired appliances)(d)—

- (a) in paragraph (2)(a) for “gas” substitute “liquefied petroleum gas”; and
- (b) in paragraph (2A) for “gas” substitute “liquefied petroleum gas”.

(6) In regulation 79 (plates for goods vehicles and buses) after paragraph (8)(e) add—

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- (a) ISBN 978 0 580 83133 1
 - (b) The Table was amended by S.R. 2004 No. 48, regulation 3
 - (c) The Table was amended by S.R. 2010 No. 179, regulation 2
 - (d) Regulation 49 was amended by S.R. 2004, No. 44, regulation 3
 - (e) Paragraph (8) was inserted by S.R. 2002 No. 294, regulation 2

“(9) A maximum gross weight of 18000 kg may be displayed on the plate of a motor vehicle with two axles which falls within paragraph (1)(b) and which first came into use after 19th July 1999 where the maximum gross weight determined in accordance with the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999(a) exceeds 18000 kg.”.

(7) In regulation 88(2) (maximum permitted laden weight of a vehicle and trailer, other than an articulated vehicle)(b) for “(exemptions relating to combined transport operations)” substitute “(exemptions relating to intermodal transport operations)”.

(8) In regulation 89(3) (maximum permitted laden weight of an articulated vehicle) for “(exemptions relating to combined transport operations)” substitute “(exemptions relating to intermodal transport operations)”.

(9) In regulation 93(5) (over-riding weight restrictions)(c) for “a combined transport operation” substitute “an intermodal transport operation”.

(10) In regulation 109 (use of gas propulsion systems)—

(a) for paragraph (2) substitute—

“(2) A person shall not use, or cause or permit to be used, in any gas supply system for the propulsion of a vehicle when the vehicle is on the road any fuel except liquefied petroleum gas, hydrogen or natural gas.”;

(b) after paragraph (2) insert—

“(2A) A person shall not use, or cause or permit to be used, a vehicle that is fitted with a hydrogen fuel system or a natural gas fuel system unless that vehicle has been approved under the Vehicle Approval Regulations for that system at the time of registration.”; and

(c) omit paragraph (4).

(11) In Schedule 14 (exemptions relating to combined transport operations)—

(a) for the title of that Schedule substitute “Exemptions relating to intermodal transport operations”;

(b) in Part II (drawbar combinations), for paragraph 4 substitute—

“4.—(1) The drawing vehicle and trailer must be carrying a relevant receptacle as part of an intermodal transport operation, each such receptacle being on a journey—

- (a) to a railhead or water transport terminal from which the relevant receptacle is, as part of the operation, to be transported in a relevant manner by railway or waterborne transport pursuant to a relevant contract made before the journey began; or
- (b) from a railhead or water transport terminal to which the relevant receptacle has, as part of the operation, been transported in a relevant manner by railway or waterborne transport.

(2) There must be carried in the cab of the drawing vehicle a document—

- (a) if the vehicle is on a journey to a railhead or water transport terminal, specifying the railhead or water transport terminal, the date the relevant contract was made and the parties to that contract; and
- (b) if the vehicle is on a journey from a railhead or water transport terminal, specifying the railhead or water transport terminal and the date and time at which the receptacles were collected from that railhead or water transport terminal.”;

(c) in Part III (articulated vehicles), in paragraph 7—

(i) for sub-paragraph (1) substitute—

(a) S.R. 1999 No. 258 as amended by S.R. 2002 No. 8

(b) Regulation 88 was amended by S.R. 2002 No. 375, regulation 12 and S.R. 2016 No. 160, regulation 2(19)

(c) Regulation 93 was amended by S.R. 2014 No. 216, regulation 2

“(1) The motor vehicle comprised in the articulated vehicle must be being used for the conveyance of a loading unit as part of an intermodal transport operation, the loading unit being on a journey—

- (a) to a railhead or water transport terminal from which the loading unit is, as part of the operation, to be transported in a relevant manner by railway or waterborne transport pursuant to a relevant contract made before the journey began; or
- (b) from a railhead or water transport terminal to which the loading unit has, as part of the operation, been transported in a relevant manner by railway or waterborne transport.”; and

(ii) for sub-paragraph (4) substitute—

“(4) There must be carried in the cab of the motor vehicle a document—

- (a) if the vehicle is on a journey to a railhead or water transport terminal, specifying the railhead or water transport terminal, the date the contract was made and the parties to that contract; and
- (b) if the vehicle is on a journey from a railhead or water transport terminal, specifying the railhead or water transport terminal and the date and time at which the loading unit was collected from that railhead or water transport terminal.”;

(d) in Part V (interpretation), in paragraph 11—

(i) in sub-paragraph (1)—

- (aa) in the definition of “bi-modal vehicle” after “railway vehicle” add “or for waterborne transport”;
- (bb) in the definition of “relevant contract” after “railway” insert “or waterborne transport”;
- (cc) after the definition of “train” add—

““water transport terminal” means a facility for the transshipment of any of the following—

- (a) a vehicle from the ground or from a railway vehicle onto a waterborne vessel;
- (b) a vehicle from a waterborne vessel onto the ground or onto a railway vehicle;
- (c) a relevant receptacle from the ground or from a road or rail vehicle onto a waterborne vessel;
- (d) a relevant receptacle from a waterborne vessel onto the ground or onto a road or rail vehicle;
- (e) a road-rail semi-trailer from the ground onto a waterborne vessel;
- (f) a road-rail semi-trailer from a waterborne vessel onto the ground.”;

(ii) for sub-paragraph (2) substitute—

“(2) In these Regulations, a reference to an intermodal transport operation is a reference to the transport of one or more containers or swap bodies, where all of the following conditions are met—

- (a) the total maximum length of the containers or swap bodies is no more than 45 feet;
- (b) the initial or final leg of the journey uses the road;
- (c) another leg of the journey uses rail or waterborne transport;
- (d) no goods are added to or removed from the loading unit between the time when the journey begins and when it ends; and
- (e) the length of the initial or the final road leg does not exceed 150 km in Northern Ireland, except where necessary to reach the nearest transport terminal.”; and

(iii) in sub-paragraph (6) for “harbour”, in each place that it occurs, substitute “water transport terminal”.

Sealed with the Official Seal of the Department for Infrastructure on 15th September 2017



Elizabeth Loughran
A senior officer of the
Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999 and the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (“the 1999 Regulations”) in order to implement Commission Directive 2015/719 of the European Parliament and of the Council of 29 April 2015 amending Council Directive 96/53/EC in relation to the maximum authorised dimensions and weights of heavy goods vehicles and buses in national and international traffic where those vehicles use alternative fuel technology.

Regulation 2(4) and (6) increase the maximum authorised weights permitted for certain alternatively fuelled vehicles.

Regulation 2(5) requires the shipper to supply the haulier with written documentation stating the gross weight of any container or swap body to be transported. If required to do so, the haulier must make this information available to enforcement authorities.

Regulation 3(1) to (4) increase the maximum authorised length and width of various types of articulated vehicles engaged in an intermodal transport operation.

Regulation 3(5) replaces the reference to “gas” in regulation 49(2) and (2A) of the 1999 Regulations with “liquefied petroleum gas”. Motor vehicles with liquefied petroleum gas fuel systems must comply with the safety requirements set out in regulations 49 and 109 and Schedules 4 and 5 of the 1999 Regulations. As a consequence of the additional types of gases permitted for use in the propulsion of motor vehicles since the 1999 Regulations came into operation, regulation 49 is amended to remove any potential uncertainty as to the type of gas fuel system to which regulation 49 applies.

Regulation 3(6) permits a two axle bus, which is already in service at the time that these Regulations come into force, to display a plate of 18000 kg notwithstanding that the maximum authorised weight for such a vehicle determined in accordance with the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999 exceeds 18000 kg.

Regulation 3(10) permits the use of hydrogen-fuelled and natural gas-fuelled vehicles on public roads provided their fuel systems have been approved in accordance with the Road Vehicle (Approval) Regulations 2009. The effect of this amendment is to remove the requirement for type approved hydrogen and natural gas-fuelled vehicles to be authorised by Vehicle Special Orders granted under Article 60 of the Road Traffic (Northern Ireland) Order 1995 in order to be used on the road.

A definition for the term “intermodal transport operation” is inserted by regulation 3(2)(d) into the 1999 Regulations. All references to “combined transport operations” in those Regulations are replaced by the term “intermodal transport operations”.

A Regulatory Impact Assessment has been produced and is available from Safe and Sustainable Travel Division, Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB. The Regulatory Impact Assessment, an Explanatory Memorandum and a Transposition Note are available online alongside this Statutory Rule at <https://www.legislation.gov.uk/nisr>

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