STATUTORY RULES OF NORTHERN IRELAND

1999 No. 454

Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999

Part IV

Conditions Relating to Use

D —

Use of Motor Vehicles for the Carriage or Haulage of Dangerous Goods

Additional braking requirements for motor vehicles carrying or hauling dangerous goods

108.—(1) Subject to paragraph (5), no person shall use or cause or permit to be used a motor vehicle for the carriage or haulage of dangerous goods on a road if it is a "vehicle" within the meaning of the Framework Directive and—

(a) its maximum gross weight exceeds 16,000 kg; or

(b) it is drawing a trailer which has a maximum total design axle weight exceeding 10,000 kg,

unless the vehicle meets the requirements of paragraph (2).

(2) Subject to paragraph (6), in order for a motor vehicle to meet the requirements of this paragraph—

(a) it must not be drawing more than one trailer;

(b) without prejudice to regulation 20, it must be fitted with an anti-lock braking system that meets the requirements of paragraph (1) of marginal 220 521 of Appendix B.2 to Annex B to the ADR;

(c) it must be fitted with an endurance braking system (that may be one device or a combination of several devices) that meets the requirements of sub-paragraphs (*a*) to (*d*) of paragraph (2) of marginal 220 522 of Appendix B.2 to Annex B to the ADR;

(d) if it is not drawing a trailer, it must meet the requirements of the 4th, 5th, 6th and 7th sub-paragraphs of paragraph (2) of marginal 10 221 of Annex B to the ADR;

(e) without prejudice to regulation 20, if it is drawing a trailer with a maximum total design axle weight exceeding 10,000 kg—

(i) the trailer must be fitted with an anti-lock braking system that meets the requirements of paragraph (2) of marginal 220 521 of Appendix B.2 to Annex B to the ADR, and

(ii) the electrical connections between the motor vehicle and the trailer must meet the requirements of paragraph (3) of marginal 220 521 of Appendix B.2 to Annex B to the ADR;

(f) if it is drawing a trailer, the combination of vehicles must meet the requirements of the 4th, 5th, 6th and 7th sub-paragraphs of paragraph (2) of marginal 10 221 of Annex B to the ADR,

(g) if it is drawing a trailer fitted with an endurance braking system, the trailer must meet the requirements of paragraph (3) of marginal 220 522 of Appendix B.2 to Annex B to the ADR; and

(h) if it is drawing a trailer, the requirements of either paragraph (3) or (4) must be met.

(3) The requirements of this paragraph are that the motor vehicle meets the requirements of paragraph (2)(*e*) of marginal 220 522 of Appendix B.2 to Annex B to the ADR.

(4) The requirements of this paragraph are that the motor vehicle—

(a) does not contravene the restriction mentioned in sub-paragraph (*f*) of paragraph (2) of marginal 220 522 of Appendix B.2 to Annex B to the ADR, and

(b) meets the requirements of the second sentence of that sub-paragraph in relation to the trailer.

(5) Paragraph (1) above does not apply to a motor vehicle manufactured before 1st January 1997.

(6) Sub-paragraph (*e*) of paragraph (2) does not apply to a trailer manufactured before 1st January 1997.

(7) For the purposes of this regulation, Annex B to the ADR (including the Appendices to that Annex) shall have effect as if—

(a) references to ECE Regulation 13 (however expressed) were references to ECE Regulation 13.06 or 13.07;

(b) references to Directive 71/320/EEC(**1**) were references to Community Directive 91/422(**2**);

(c) references to the corresponding EEC Directive, in relation to Annex 5 to ECE Regulation 13, were references to paragraph 1.5 of Annex II to Community Directive 91/422.

(8) Subject to paragraph (9), a reference in this regulation to dangerous goods is a reference to a load comprising explosives of such type and in such quantity that it could not be carried by road in a single transport unit of Type I or II without there being a contravention of the restrictions set out in marginal 11 401 of Annex B to the ADR as read with marginal 11 402 of that Annex.

(9) For the purposes of paragraph (8)—

(a) marginal 11 402 of Annex B to the ADR shall have effect with the omission of the words "in conformity with the prohibitions of mixed loading contained in 11 403"; and

(b) "transport unit of Type I or II" means a transport unit of Type I or a transport unit of Type II within the meaning of that Annex.

(10) In this regulation, "ADR" means the 1995 edition of the "European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)" produced by the Department of Transport and published by Her Majesty's Stationery Office (ISBN 0-11-551-265-9).

(**1**) O.J. No. L202, 6.9.71, p. 37
(**2**) O.J. No. L233, 22.9.91, p. 21