

1978 No. 208

ROAD TRAFFIC AND VEHICLES**Motor Vehicles (Construction and Use) (Amendment) Regulations
(Northern Ireland) 1978***Made* 25th July 1978*Coming into operation* 1st September 1978

The Department of the Environment in exercise of the powers conferred by sections 26, 27 and 189 of the Road Traffic Act (Northern Ireland) 1970(a) and now vested in it(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1978 and shall come into operation on 1st September 1978.

2. The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(c) shall be amended as follows:

(1) In regulation 3(1) in the meaning given to the expression "close-coupled" for "840 millimetres" there shall be substituted "1 metre".

(2) In regulation 5 for paragraphs (2) and (3) and the table there shall be substituted the following paragraphs and table:

"(2) Where in the case of any motor vehicle or trailer to which this regulation applies the type approval certificate or, as the case may be, the certificate of conformity in question has been issued by reason of the vehicle's conforming to the requirements of a Community Directive specified in column 2 of the table set out below and the vehicle is first used on or after the date specified opposite to that Directive in column 3 of that table, and, in a case where a date is specified opposite to that Directive in column 4 of that table, before the date so specified, then that one or more (as the case may be) of these Regulations which are specified opposite to that Directive in column 5 of that table shall not apply to that vehicle.

(3) In paragraph (1) "member State" means any State which is a member of the European Economic Community.

(a) 1970 c. 2 (N.I.)

(b) S.R. & O. (N.I.) 1973 No. 504 Article 5(b) (II, p. 2992)

(c) S.R. 1976 No. 320 (II, p. 1537)

TABLE

1 Item No.	2 <i>The Community Directives to whose requirements the vehicle must conform</i>	3 <i>Date on or after which the vehicle is first used</i>	4 <i>Date before which the vehicle is first used</i>	5 <i>Regulations from which the vehicle is exempted</i>
1	Council Directive 71/320/EEC of 26th July 1971(d) (relating to the braking devices of certain categories of motor vehicles and their trailers)	1st July 1973		13, 14, 45, 48, 52, 57, 64 and 68
1A	Council Directive 71/320/EEC of 26th July 1971 (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directive 74/132/EEC of 11th February 1974(e)	1st October 1974		13, 14, 45, 48, 52, 57, 64 and 68
1B	Council Directive 71/320/EEC of 26th July 1971 (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directive 74/132/EEC of 11th February 1974 and by Commission Directive 75/524/EEC of 25th July 1975(f)	1st January 1976		13, 14, 45, 48, 52, 57, 64 and 68
2	Council Directive 70/387/EEC of 27th July 1970(g) (relating to the doors of motor vehicles and their trailers)	1st July 1973		15
3	Council Directive 74/297/EEC of 4th June 1974(h) relating to the interior fittings of motor vehicles (the behaviour of the steering mechanism in the event of an impact)	4th December 1975		16

(d) O.J. L202, 6.9.71, p. 37 (S.E. 1971 (III), p. 746)

(e) O.J. L74, 19.3.1974, p. 7

(f) O.J. L236, 8.9.1975, p. 3

(g) O.J. L176, 10.8.1970, p. 5 (S.E. 1970 (II), p. 564)

(h) O.J. L165, 20.6.1974, p. 16

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4	Council Directive 70/221/EEC of 20th March 1970(i) (relating to the liquid fuel tanks and rear protective devices for motor vehicles and their trailers)	1st July 1973		19
5	Council Directive 71/127/EEC of 1st March 1971(j) (relating to the rear-view mirrors of motor vehicles)	1st July 1973		23(3)
6	Council Directive 70/388/EEC of 27th July 1970(k) (relating to the audible warning devices for motor vehicles)	1st July 1973		27(3)
7	Council Directive 70/157/EEC of 6th February 1970(l) (relating to the permissible sound level and exhaust system of motor vehicles)	1st July 1973		29
7A	Council Directive 70/157/EEC of 6th February 1970 (relating to the permissible sound level and exhaust system of motor vehicles) as amended by Commission Directive 73/350/EEC of 7th November 1973(m)	1st March 1974		29
8	Council Directive 72/245/EEC of 20th June 1972(n) (relating to the suppression of radio interference produced by spark-ignition engines fitted to motor vehicles)	1st April 1974		30

- (i) O.J. L76, 6.4.1970, p. 23 (S.E. 1970 (I), p. 192)
(j) O.J. L68, 22.3.1971, p. 1 (S.E. 1971 (I), p. 136)
(k) O.J. L176, 10.8.1970, p. 12 (S.E. 1970 (II), p. 571)
(l) O.J. L42, 23.2.1970, p. 16 (S.E. 1970 (I), p. 111)
(m) O.J. L321, 22.11.1973, p. 33
(n) O.J. L152, 6.7.1972, p. 15 (S.E. 1972 (II), p. 637)

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9	Council Directive 70/220/EEC of 20th March 1970(o) (relating to the measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles)	10th November 1973	1st April 1977	34
9A	Council Directive 70/220/EEC of 20th March 1970 (relating to the measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles) as amended by Council Directive 74/290/EEC of 28th May 1974(p)	1st January 1975		34
10	Council Directive 72/306/EEC of 2nd August 1972(q) (relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles)	2nd February 1974		35
11	Council Directive 76/115/EEC of 18th December 1975(r) (relating to anchorages for motor vehicle safety belts)	1st January 1977		17(3) and (8)(a), (b) and (c)
12	Council Directive 75/443/EEC of 26th June 1975(s) (relating to the reverse and speedometer equipment of motor vehicles)	1st January 1977		18

(3) In regulation 18, in line 1, there shall be deleted the following—
“(1)”.

- (o) O.J. L76, 6.4.1970, p. 1 (S.E. 1970 (I), p. 171)
 (p) O.J. L159, 15.6.1974, p. 61
 (q) O.J. L190, 20.8.1972, p. 1 (S.E. 1972 (III), p. 889)
 (r) O.J. L24, 30.1.1976, p. 6
 (s) O.J. L196, 26.7.1975, p. 1

(4) After regulation 27(5)(f) there shall be inserted the following subparagraphs—

“(g) motor vehicles owned by the Secretary of State for Defence and used by the Royal Air Force Mountain Rescue Service for the purposes of rescue operations in connection with crashed aircraft or any other emergencies;

(h) motor vehicles owned by the Royal National Lifeboat Institution and used for the purposes of launching lifeboats.”

(5) For regulation 34 there shall be substituted the following regulation—

“34.—(1) Except as provided by paragraph (2), this regulation applies to every motor vehicle first used on or after 31st December 1976 which is propelled by a spark ignition engine.

(2) This regulation does not apply to—

(a) a vehicle with less than four wheels, if—

(i) its weight, whether laden or unladen, does not exceed 400 kilograms; or

(ii) it is not so constructed as to be capable of exceeding a speed of 30 miles per hour on the level under its own power;

(b) a vehicle, the weight of which whether laden or unladen exceeds 3,500 kilograms; or

(c) a vehicle manufactured by the Ford Motor Company Limited and identified by either model number A.0407 or model number A.0410 and first used before 1st January 1977.

(3) Every vehicle to which this regulation applies and which is manufactured before 31st December 1976 or first used before 1st April 1977 shall be legibly and indelibly marked in a conspicuous and readily accessible position with either—

(i) the marking designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976^(t) and shown at item 40 in Schedule 2 to those Regulations, or

(ii) the marking designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976 and shown at item 41 in Schedule 2 to those Regulations.

(4) Every vehicle to which this regulation applies and which is manufactured on or after 31st December 1976 and first used on or after 1st April 1977 shall be legibly and indelibly marked in a conspicuous and readily accessible position with the marking designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976 and shown at item 41 in Schedule 2 to those Regulations.”

(6) In regulation 35—

(a) in paragraph (1), for the words “subject to the provisions of paragraph (3)” there shall be substituted the words “Subject to the provisions of paragraphs (3) and (4)”; and

(t) S.I. 1976/2226 (1976 III, p. 6233)

(b) after paragraph (3) there shall be inserted the following paragraph—

“(4) The requirements of paragraph (1) shall not apply to a motor vehicle to which there is affixed the approval mark designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976 and shown at item 57 in Schedule 2 to those Regulations, the said approval mark indicating that that motor vehicle has been approved in respect of the emission of pollutants by a compression ignition engine.”.

(7) After regulation 38 there shall be inserted the following regulation—

“*Distinguishing plates for motor cycles*

38A.—(1) This regulation applies to every motor cycle which is first used on or after 1st September 1978 and is not—

- (a) a motor cycle propelled by an internal combustion engine with a cylinder capacity exceeding 150 c.c.; or
- (b) a mowing machine; or
- (c) a pedestrian controlled vehicle.

(2) Every motor cycle to which this regulation applies shall be equipped with a plate which is securely affixed to the cycle in a conspicuous and readily accessible position and which—

- (a) states whether the motor cycle is a standard motor cycle or a moped;
- (b) is in the form and of the size specified in Schedule 2A;
- (c) contains the further particulars specified for a motor cycle plate in that Schedule; and
- (d) complies with the other requirements specified for such a plate in that Schedule.

(3) If a motor cycle to which this regulation applies is altered so that it ceases to be a moped and becomes a standard motor cycle, an appropriate amendment shall be made to the plate required by paragraph (2) or the motor cycle shall be equipped with the appropriate new plate.

(4) In this regulation and in Schedule 2A—

“moped” means a motor cycle which has a maximum design speed which does not exceed 30 miles per hour, a kerbside weight which does not exceed 250 kilograms and, if propelled by an internal combustion engine, an engine with a cylinder capacity which does not exceed 50 c.c.;

“kerbside weight”, in relation to a motor cycle, means the weight of the cycle when it carries—

- (a) no person thereon; and
- (b) a full supply of fuel in its tank, an adequate supply of other liquids incidental to its propulsion and no load other than the loose tools and equipment with which it is normally equipped;

“maximum design speed”, in relation to a motor cycle, means the maximum speed which the motor cycle is designed to achieve under its own power on a level road; and

“standard motor cycle” means a motor cycle which is not a moped.

- (5) For the purposes of this regulation and Schedule 2A a motor cycle shall be regarded as having a maximum design speed which does not exceed 30 miles per hour if it cannot exceed that speed by more than 5 miles per hour when tested under the following conditions—
- (a) the surface on which it is tested shall be dry asphalt or concrete;
 - (b) the rider shall be a person not exceeding 75 kilograms in weight;
 - (c) no passenger or load shall be carried;
 - (d) the test route shall be so located that acceleration to, and deceleration from, maximum speed can take place elsewhere than on the test route itself;
 - (e) the test route shall not have a gradient exceeding 5%;
 - (f) the motor cycle shall be ridden in opposite directions along the test route and the speed recorded for the purpose of the test shall (in order to minimise the effect of wind resistance and gradient) be the average of speeds shown for each direction;
 - (g) when being driven along the test route, the motor cycle shall be driven in such manner and in such gear as to achieve the maximum speed of which it is capable; and
 - (h) if the motor cycle is fitted with a device which can, without the use of specialist tools or equipment, be readily modified or removed so as to increase its maximum speed, the test shall be carried out with the device in the modified condition or, as the case may be, without the device.”.

(8) In regulation 39 for “(1) Subject to the provisions of paragraph 2—” there shall be substituted “This regulation applies to—”.

(9) In regulation 61, in line 1, there shall be deleted the following—
“(1)”.

(10) In regulation 68—

(a) in paragraph (2) for “paragraph (3)” there shall be substituted “paragraphs (2A) and (3)”;

(b) after paragraph (2) there shall be inserted the following paragraph—
“(2A) Where a motor vehicle to which regulation 5 applies by virtue of its conforming to the requirements of Council Directive 71/320/EEC of 26th July 1971 (which relates to the braking devices of certain categories of motor vehicles and their trailers) or, where appropriate, to the requirements of that Directive as amended by the amending Directives specified in regulation 5, is drawing a trailer to which that regulation does not apply, paragraph (2)(b) shall apply to the trailer as if the words “or of any part (other than as aforesaid) of the braking system with which the trailer is equipped” were omitted.”; and

(c) in paragraph (3), for “Paragraphs (1) and (2)” there shall be substituted “Paragraphs (1), (2) and (2A)”.

(11) After regulation 68 there shall be inserted the following regulation—

“68A.—(1) Where a trailer to which regulation 5 applies by virtue of its conforming to the requirements of Council Directive 71/320/EEC of 26th July 1971 (which relates to the braking devices of certain categories of motor vehicles and their trailers) or, where appropriate, to the requirements of that Directive as amended by the amending Directives specified in regulation 5, is drawn by a motor

vehicle to which that regulation does not apply, then the braking system of the drawing vehicle shall be so constructed that in the event of a failure of any part (other than a fixed member or a brake shoe anchor pin) of the service braking system with which the drawing vehicle is equipped (excluding the means of operation of a split braking system) brakes shall still be capable of being applied to at least two wheels of the trailer or, in the case of a two-wheeled trailer, to one wheel by the driver using the secondary braking system of the drawing vehicle.

(2) In this regulation "service braking system" means the braking system which was designed and constructed to have the highest braking efficiency of any braking system with which the drawing vehicle is equipped and "secondary braking system" means a braking system applied by a second independent means of operation or by one of the independent sections comprised in a split braking system."

(12) In regulation 77, for paragraph (4) there shall be substituted the following paragraph—

"(4) The total laden weight of a trailer—

- (a) manufactured before 1st September 1978 and having no other brakes than a parking brake and brakes which automatically come into operation on the overrun of the trailer shall not exceed 3,560 kilograms;
- (b) manufactured on or after 1st September 1978 and fitted with brakes which automatically come into operation on the overrun of the trailer, whether or not it is fitted with any other brake, shall not exceed 3,500 kilograms."

(13) In regulation 83, in paragraph (3), for the words "that Schedule" there shall be substituted the words "the said Part IV".

(14) In regulation 85, in sub-paragraph (c), for the words "18,290 kilograms" there shall be substituted the words "18,300 kilograms".

(15) In regulation 87—

- (a) in the headnote after the word "danger" there shall be inserted the word "etc";
- (b) for paragraph (2) there shall be substituted the following paragraph—
 "(2) The load carried by a motor vehicle or trailer shall at all times be so secured, if necessary by physical restraint other than its own weight, and be in such a position, that neither danger nor nuisance is likely to be caused to any person or property by reason of the load or any part thereof falling or being blown from the vehicle or by reason of any other movement of the load or any part thereof in relation to the vehicle."; and
- (c) in paragraph (3), after the words "cause danger" there shall be inserted the words "or nuisance".

(16) In regulation 96—

- (a) in both paragraphs (2) and (4), the words "the unladen weight of which does not exceed 1,525 kilograms" shall be omitted; and
- (b) in paragraph (5), after the words "For the purposes of this regulation—" there shall be inserted the words " "axle" includes all the axles of whatever type and number which are fitted to a vehicle;"

(17) In regulation 98 after "regulation 35" there shall be inserted "(1) or (4)".

(18) In regulation 124, in paragraph (4)(a), for the words "in the case at (ii) the overall length of the vehicle" there shall be substituted the words "in the case at (ii) the overall length of the vehicles".

(19) In Schedule 2, in the heading, the words "and 85" shall be deleted.

(20) After Schedule 2 there shall be inserted the following Schedule—

"SCHEDULE 2A

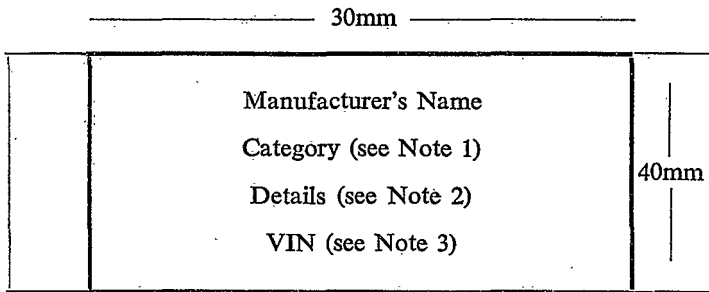
(See regulation 38A)

Distinguishing Plates for Motor Cycles

1. The plate shall be firmly attached to a part of the motor cycle which is not normally subject to replacement during the life of the motor cycle.

2. The plate shall be in the form shown in the diagram, shall have dimensions not less than those shown in the diagram and shall show the information provided for in that diagram and detailed in the Notes.

Diagram of Plate



NOTES:

1. The categories are "standard motor cycle" and "moped".

2. The details are—

(a) for standard motor cycles and mopeds—
the engine capacity; and

(b) for mopeds only—

(i) the kerbside weight, and

(ii) the maximum design speed.

3. The vehicle identification number (VIN) shall be marked in the form used by the manufacturer to identify any one individual vehicle.

3. The information on the plate shall be shown in characters not less than 4 millimetres in height and in the positions on the plate indicated in the diagram.

4. No information, other than that provided for in the diagram, shall be marked within the rectangle which is shown by the heavy lines in that diagram."

(21) In Schedule 4—

(a) in Part II, under the heading "column 1", in paragraph (b)(i), for the words "8,385 kilograms" there shall be substituted the words "8,390 kilograms";

- (b) in Part IV, in the table of maximum weights for two closely spaced axles, in column 2, for the figures "15,250", "16,260", "18,290" and "19,310", there shall be substituted the figures "15,260", "16,270", "18,300" and "19,320"; and in column 3 for the figures "18,290", "19,310" and "20,330" there shall be substituted the figures "18,300", "19,320" and "20,340"; and
- (c) in Part VI, in sub-paragraph (i), for the words "8,385 kilograms" there shall be substituted the words "8,390 kilograms".

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 25th July 1978.

(L.S.)

J. M. Beckett

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976 as follows—

1. The definition of “close-coupled” in relation to the wheels of a trailer is amended so that the distance between the centres of their areas of contact with the road surface does not exceed 1 metre (approximately 39 inches) (regulation 2(1)).

2. Regulation 5 of the Regulations exempts from compliance with the requirements of certain of the Regulations motor vehicles and trailers in respect of which a type approval certificate has been issued by the Secretary of State, or by the competent authority in another member State of the European Economic Community, or a certificate of conformity has been issued by the manufacturer of the vehicle. Regulation 2(2) of these Regulations—

- (a) provides for certain type approval certificates and certificates of conformity which have been issued under type approval requirements relating to the measures to be taken against air pollution by gases from spark ignition engines of motor vehicles to have effect, in view of amendments to those type approval requirements, only as to vehicles first used on or after 31st December 1976 but before 1st April 1977;
- (b) provides by additions to regulation 5, for—
 - (i) certain motor vehicles, first used on or after 1st January 1977 to be exempt from the requirements of regulation 17(3) and (8)(a), (b) and (c),
 - (ii) certain motor vehicles first used on or after 1st January 1977 to be exempt from the requirements of regulation 18,
 - (iii) certain categories of motor vehicles and trailers to be exempt from the requirements of regulations 13, 14, 45, 48, 52, 57, 64 and 68, if there has been issued a type approval certificate or a certificate of conformity.

3. Motor vehicles used by the Royal Air Force Mountain Rescue Service and motor vehicles owned by the Royal National Lifeboat Institution and used for launching lifeboats are added to the list of vehicles which may be fitted with a gong, bell, siren, or two-tone horn (regulation 2(4)).

4. Regulation 34 has been redrafted to include certain vehicles which are not required to be marked with the designated approval mark (regulation 34(2)(c)) and an opportunity has also been taken to bring up to date references to designated approval marks (regulation 2(5)).

5. Provide that the requirement for a type test certificate for the compression ignition engine of certain motor vehicles indicating that that type of engine does not, as respects the emission of smoke, exceed certain acceptable upper limits, shall not apply in respect of a motor vehicle to which there is affixed a designated approval mark indicating that that vehicle has been approved in respect of the emission of pollutants by the compression ignition engine by which it is propelled (regulation 2(6)).

6. By adding a new regulation 38A and a new Schedule 2A that requires motor cycles which are first used on or after 1st September 1978 and do not have an engine with a cylinder capacity exceeding 150 c.c. to carry a plate which will show whether the motor cycle is a moped (i.e. a motor cycle with a design speed not exceeding 30 miles per hour, a kerbside weight not exceeding 250 kilograms and, if propelled by an internal combustion engine, an engine with a cylinder capacity not exceeding 50 c.c.) or a standard motor cycle (i.e. a motor cycle which is not a moped) (regulation 2(7) and (20)).

7. Provide for the braking of trailers where—

(a) a motor vehicle to which regulation 5 applies is drawing a trailer to which that regulation does not apply (regulation 2(10)); and

(b) a motor vehicle to which regulation 5 does not apply is drawing a trailer to which that regulation does apply (regulation 2(11)).

8. Restrict the laden weight of any trailer manufactured on or after 1st September 1978 fitted with brakes which come into operation on the overrun of the trailer to 3,500 kilograms (approximately 3 tons 9 cwt.), irrespective of any other brakes with which it may be fitted (regulation 2(12)).

9. Remove inconsistencies resulting from rounding up in the course of metrication in cases where the Regulations specify the weight limits for combinations of closely spaced axles (regulation 2(14) and (21)(b)).

10. Prevent loads being insecurely carried (regulation 2(15)).

11. Extend the requirements as to tyres of different types to goods vehicles the unladen weight of which exceeds 1,525 kilograms (approximately 30 cwt.) (regulation 2(16)(a)).

12. Make clear the meaning of the word "axle" for the purpose of regulation 96 (regulation 2(16)(b)).

13. Apply to vehicles to which there is affixed the designated approval mark referred to in paragraph 5 above the requirement that the vehicle shall not be used on a road if certain parts of the vehicle have in any way been altered or adjusted so as to increase the emission of smoke (regulation 2(17)).

14. Round up to the nearest 10 kilograms (approximately 22 lbs.) certain maximum weights in accordance with the general policy in metricating the Regulations (regulation 2(21)(a) and (c)).

15. Remove minor errors (regulation 2(3), (8), (9), (13), (18) and (19)).