

## 1991 No. 147

## ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment)  
Regulations (Northern Ireland) 1991**

*Made* . . . . . 4th April 1991

*Coming into operation* . . . . . 6th May 1991

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(a), 28(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(b) and of all other powers enabling it in that behalf, makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 6th May 1991.

*Regulations amended*

2. The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(c) shall be amended as follows—

(1) In regulation 2 (interpretation)—

(a) in paragraph (1), for the definition of “the Community Recording Equipment Regulation” substitute—

“ “the Community Recording Equipment Regulation” means Council Regulation (EEC) 3821/85 of 20th December 1985 on recording equipment in road transport(d), as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 1987(e).”; and

(b) in paragraph (2), in the definition of “Community Directive, followed by a number” for the words “the reference to it means” substitute the words “the reference to the amending Directive includes a reference to”.

(2) In regulation 46(6) (seat belt anchorage points) after the words “Regulation 14” insert “or 14.01 or 14.02”.

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(a) See definition of “Department”

(b) S.I. 1981/154 (N.I. 1)

(c) S.R. 1989 No. 299

(d) O.J. No. L370. 31.12.85, p. 8

(e) S.R. 1987 No. 218 as amended by S.R. 1988 No. 297

(3) In regulation 47 (seat belts)—

(a) for paragraph (3) substitute—

“(3) Where a lap belt is fitted to a forward-facing front seat of a minibus, a motor ambulance or a motor caravan, or to an exposed forward-facing seat (other than the driver’s seat or any crew seat) of a coach either—

(i) there shall be provided padding to a depth of not less than 50 mm, on that part of the surface or edge of any bar, or the top or edge of any screen or partition, which would be likely to be struck by the head of a passenger wearing the lap belt in the event of an accident; or

(ii) the technical and installation requirements of Annex 4 to ECE Regulation 21 shall be met, in respect of any such bar, screen or partition,

but nothing in sub-paragraph (i) shall require padding to be provided on any surface more than 1 m from the centre of the line of intersection of the seat cushion and the back rest or more than 150 mm on either side of the longitudinal vertical plane which passes through the centre of that line, nor shall it require padding to be provided on any instrument panel of a minibus.”;

(b) in paragraph (5)(c)(ii) for “BS AU 160c” substitute “BS 3254: Part 1: 1988”;

(c) in paragraph (9)—

(i) in the definition of “British Standard Mark” —

(A) in paragraph (i)(a) for “and BSAU 160a or 160b” substitute “or BS 3254: Part 1: 1988”,

(B) in paragraph (i)(b) for “BSAU 157 or 157a” substitute “BS 3254: Part 2: 1988” and after “BSAU 202” insert “or BSAU 202a”; and

(ii) in the definition of “designated approval mark” —

(A) in paragraph (a) after “item 16” insert “and 16A”(a),

(B) in paragraph (b) for the word “either” substitute the word “any” and for “item 44 and 44A” substitute “item 44, 44A and 44B”(a).

(4) In regulation 51 (sideguards) after paragraph (9) add the following paragraph—

“(10) Instead of complying with the foregoing provisions of this regulation a vehicle may comply with Community Directive 89/297.”.

(5) In regulation 54(1)(c) (strength of superstructure) for “1st April 1990” substitute “1st April 1993”.

(6) In regulation 57(6) (noise limits — general) for “58(2)(a)” substitute “59(1A)(a)”.

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(a) Items 16A and 44B of Schedule 2 to the Motor Vehicles (Designation of Approval Marks) Regulations (S.I. 1979/1088) were inserted by S.I. 1989/1014

(7) In regulation 59 (noise limits — motor-cycles)—

(a) for paragraphs (1) and (2) and the Table in paragraph (2) substitute—

“(1) Subject to regulation 61, paragraph (1A) applies to every motor vehicle first used on or after 1st April 1983 but not later than 31st March 1991 which is—

(a) a moped; or

(b) a two-wheeled motor-cycle, whether or not with sidecar attached, which is not a moped.

(1A) A vehicle to which this paragraph applies shall be so constructed that—

(a) its sound level does not exceed the relevant limit specified in column 2 of item 1 or 2 of the Table when measured under the conditions specified in column 3 in that item by the method specified in column 4 in that item using the apparatus prescribed in regulation 57(6); and

(b) the device designed to reduce the exhaust noise meets the requirements specified in column 5.

TABLE

(regulation 59(1A))

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1	2		3	4	5
<i>Item</i>	<i>Limits of sound level</i>		<i>Conditions of measurement</i>	<i>Methods of measurement</i>	<i>Requirements for exhaust device</i>
	<i>Vehicle referred to in paragraph 1(a) or 2(a)</i>	<i>Vehicle referred to in paragraph 1(b) or 2(b)</i>			
1	73dB(A)	Limits specified in paragraph 2.1.1 of Annex I to Community Directive 78/1015	Conditions specified in paragraph 2.1.3 of Annex I to Community Directive 78/1015	Methods specified in paragraph 2.1.4 of Annex I to Community Directive 78/1015. Interpretation of results as in paragraphs 2.1.5.2, 2.1.5.3 and 2.1.5.4 of that Annex	Requirements as specified in paragraph 3 of Annex I to Community Directive 78/1015 except for sub-paragraph 3.2
2	73dB(A)	First stage limits specified in paragraph 2.1.1 of Annex I to Community Directive 87/56	Conditions specified in paragraph 2.1.3 of Annex I to Community Directive 87/56	Method specified in paragraph 2.1.4 of Annex I to Community Directive 87/56. Interpretation of results as in paragraphs 2.1.5.2, 2.1.5.3 and 2.1.5.4 of that Annex	Requirements as specified in paragraph 3 of Annex I to Community Directive 87/56 except for sub-paragraph 3.2

(1B) Instead of complying with paragraph (1), a vehicle referred to in paragraph (1)(b) may comply at the time of its first use with Community Directive 78/1015 or 87/56.

(2) Subject to regulation 61, paragraph (2A) applies to every motor vehicle first used on or after 1st April 1991 which is—

(a) a moped; or

(b) a two-wheeled motor-cycle, whether or not with sidecar attached, which is not a moped.

(2A) A vehicle to which this paragraph applies shall be so constructed that it shall meet the specification referred to in paragraph (1A) save that for the reference to item 1 or 2 of the Table there is substituted a reference to item 2 of the Table.

(2B) Instead of complying with paragraph (2), a vehicle referred to in paragraph (2)(b) may comply at the time of its first use with Community Directive 87/56.”; and

(b) paragraph (5) shall be omitted and paragraph (6) shall be renumbered (5).

(8) In regulation 60(2)(d) (noise limits — vehicles not subject to regulations 57 to 59, first used on or after 1st April 1970) for “regulation 59(2)” substitute “regulation 59(1A) and (2A)”.

(9) In regulation 61 (exception to regulations 57 to 60) for “59(2)” substitute “59(1A) and (2A)”.

(10) In the Table in regulation 80(1) (number of trailers)—

(a) in item 3, column 3, for paragraph (b) substitute

“(b) 1 trailer.”; and

(b) in item 5, column 3, for “1 trailer if laden,” substitute “1 trailer.”.

(11) In Table I of Schedule 1—

(a) after item 51 insert the following item—

“51A	87/56	18.12.86	L24, 27.1.87, p. 42	The permissible sound level and exhaust system of motor-cycles	78/1015	— ”;
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and

(b) after item 52 insert the following item—

“53	89/297	13.4.89	L124, 5.5.89, p. 1	Lateral protection (sideguards) of certain motor vehicles and their trailers	—	— ”.
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(12) In Table II of Schedule 1—

(a) after item 5 insert the following item—

“5A 14 14 30. 1.70 Anchorages for seat — — ”;  
belts

(b) after item 6 insert the following item—

“6A 14.02 14 30. 1.70 Anchorages for 22.11.84 12A”; and  
seat belts

(c) after item 22 add the following item—

“23 66 66 30. 1.87 Strength of coach — — ”.  
superstructure

(13) For Part I of Schedule 6 substitute—

“PART I (See regulation 42(1))

#### FIRE EXTINGUISHING APPARATUS

A fire extinguisher complies in all respects with the specification for portable fire extinguishers issued by the British Standards Institution numbered BS 5423: 1977 or BS 5423: 1980 or BS 5423: 1987 and which—

(a) has a minimum test fire rating of 8A or 21B, and

(b) contains water or foam or contains, and is marked to indicate that it contains halon 1211 or halon 1301.”

Sealed with the Official Seal of the Department of the Environment on 4th April 1991.

(L.S.)

*Trevor Pearson*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989 as follows:—

1. Regulation 2(2) is amended to clarify the meaning given for “Community Directive, followed by a number”, to update the meaning given for “the Community Recording Equipment Regulation”, and to effect consequential amendments to Schedule 1 (regulation 2(1)).

2. Regulation 46 (relating to seat belt anchorage points) is amended so that a vehicle which is required to be fitted with seat belt anchorage points is not required to comply with the design and installation requirements of paragraph 4 of regulation 46 if it complies with ECE Regulation 14 as amended by ECE Regulations 14.01 and 14.02. Table II of Schedule 1 is amended in consequence (regulation 2(2)).

3. Regulation 47 (relating to seat belts) is amended to—

- (a) provide minor changes to padding requirements in certain vehicles where a lap belt is fitted to a forward facing front seat;
- (b) enable seat belts to be provided in a motor vehicle if they are marked in accordance with Part 1 or 2 of British Standard BS 3254: 1988 and BS AU 202a, or ECE Regulation 16 as amended by ECE Regulations 16.01, 16.02, 16.03 and 16.04 or ECE Regulation 44 as amended by ECE Regulations 44.01 and 44.02; and
- (c) remove from the class of seat belts that can be provided in a motor vehicle those marked BS AU 157, BS AU 157a, BS AU 160a, BS AU 160b and BS AU 160c (regulation 2(3)).

4. Regulation 51 (relating to sideguards) is amended so that a vehicle which complies with Community Directive 89/297 need not comply with the existing requirements. Table I of Schedule 1 is amended in consequence (regulation 2(4)).

5. Regulation 54 is amended so that compliance with ECE Regulation 66 (relating to the strength of the superstructure of certain single-decked coaches) will apply only to vehicles first used on or after 1st April 1993 instead of 1st April 1990 (regulation 2(5)).

6. Regulation 59 (relating to noise limits — motor-cycles) is amended to require the compulsory compliance by motor-cycles first used on or after 1st April 1991 of the sound level limits required by Community Directive 87/56. Until that date sound level requirements of either Directive 78/1015 or 87/56 will apply. Table I of Schedule 1 is amended in consequence (regulation 2(7)).

7. Regulation 80 is amended so that a trailer can be towed behind a bus (not being a minibus), without being subject to the former requirement that the trailer length must not exceed 5m provided that the overall length of the

combination does not exceed 15m. The overall length requirement of regulation 6 will continue to apply so as to limit the overall length to 18m (regulation 2(10)).

8. Schedule 6 is amended to update the specification of the type of fire extinguisher which has to be carried on a minibus first used on or after 1st October 1990 (regulation 2(13)).

9. Opportunity has been taken to correct a minor drafting error in item 5 in the Table in regulation 80.

10. Copies of the Community Directives referred to in these Regulations may be obtained from Her Majesty's Stationery Office.

11. Copies of the British Standards referred to in these Regulations may be obtained from British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.