

## 1993 No. 247

## ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment No. 2)  
Regulations (Northern Ireland) 1993**

*Made* . . . . . 21st May 1993

*Coming into operation* . . . . . 1st July 1993

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

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 1993 and shall come into operation on 1st July 1993.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(b).

*Amendments to regulation 22 (tyres)*

2. In regulation 22(3)(b) of the principal Regulations, after “64” insert the words “or Community Directive 92/23(c)”.

*Amendments to regulation 23 (tyre loads and speed ratings)*

3. Regulation 23(d) of the principal Regulations shall be amended as follows—

(1) In Table II—

(a) in column 4, after the words “Tyres marked in accordance with ECE Regulation 30, 30.01 or 30.02”, add the words “and relevant car tyres”;

(b) in column 4, after the words “Tyres marked in accordance with ECE Regulation 54”, add the words “and relevant commercial vehicle tyres”;

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(a) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department”

(b) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1991 No. 420, S.R. 1992 No. 111 and S.R. 1992 No. 509

(c) “Community Directive” is defined in reg. 2(2) and Table 1 of Schedule 1 to the principal Regulations. A relevant amendment to Schedule 1 is made by reg. 7(1) of these Regulations

(d) Regulation 23 was substituted by S.R. 1992 No. 111, reg. 7 and amended by S.R. 1992 No. 509, reg.

- (c) in column 4, after the words “Annex 8 to ECE Regulation 54”, wherever they appear, insert the words “or Appendix 8 to Annex II to Community Directive 92/23”; and
- (d) in item 11, before the word “vehicle” insert the word “motor”.
- (2) In paragraph (7), after the word “vehicle” insert the words “was marked with a designated approval mark or”.
- (3) In paragraph (9)—
- (a) before the definition of “dual wheels”, insert the following definition—
- “ “designated approval mark” means the marking designated as an approval mark by regulation 5 of the Approval Marks Regulations(a) and shown at item 33 in Schedule 4 to those Regulations (that item being a marking relating to Community Directive 92/23);”;
- (b) in the definition of “load-capacity index”, after the words “as in” insert the words “paragraph 2.28 of Annex II to Community Directive 92/23 or”; and
- (c) in the definition of “speed category”, after the words “as in” insert the words “paragraph 2.29 of Annex II to Community Directive 92/23 or”.
- (4) After paragraph (9), insert the following paragraphs—
- “(9A) For the purposes of this regulation, a tyre is a “relevant car tyre” if—
- (a) it has been marked with a designated approval mark, and
- (b) the first 2 digits of the approval number comprised in the mark are “02”.
- (9B) For the purposes of this regulation, a tyre is a “relevant commercial vehicle tyre” if—
- (a) it has been marked with a designated approval mark, and
- (b) the first 2 digits of the approval number comprised in the mark are “00”.”.

#### *Amendments to regulation 29 (glass)*

4. Regulation 29 of the principal Regulations shall be amended as follows—

(1) In paragraph (4), after the definition of “caravan” insert the following—

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(a) “The Approval Marks Regulations” is defined in reg. 2(1) of the principal Regulations as the Motor Vehicles (Designation of Approval Marks) Regulations 1979 (S.I. 1979/1088); relevant amending Regulations are S.I. 1992/3086

“ “designated approval mark” means the marking designated as an approval mark by regulation 5 of the Approval Marks Regulations and shown as item 31 or 32 in Schedule 4 to those Regulations (those items being markings relating to Community Directive 92/22); and”.

(2) After paragraph (4), add the following paragraph—

“(5) Paragraph (2) does not apply to glass which is legibly and permanently marked with a designated approval mark.”.

*Amendments to regulation 30 (glass)*

5. Regulation 30 of the principal Regulations shall be amended as follows—

(1) After paragraph (12), insert the following paragraphs—

“(12A) Paragraphs (2), (6), (7) and (8) do not apply to a window which is legibly and permanently marked with a designated approval mark.

(12B) Paragraph (10) does not apply to a window if—

(a) it is a window to which paragraph (12C) applies and is legibly and permanently marked with a designated approval mark which does not comprise the Roman numeral “V” (other than as part of the combination “VI”); or

(b) it is not a window to which paragraph (12C) applies and is legibly and permanently marked with a designated approval mark.

(12C) This paragraph applies to a side or rear window if—

(a) any part of it is on either side of or forward of the driver’s seat; or

(b) any part of it is within the driver’s indirect field of view obtained by means of the mirror or mirrors which are required to be fitted by regulation 31 when such mirrors are properly adjusted;

and for the purposes of this paragraph a mirror shall not be regarded as being required to be fitted by regulation 31 if, were it to be removed, the vehicle would nevertheless meet the requirements of regulation 31.”.

(2) In paragraph (13), before the definition of “safety glazing”, insert the following definition—

“ “designated approval mark” means—

(a) in relation to a windscreen, the marking designated as an approval mark by regulation 5 of the Approval Marks Regulations and shown at item 31 in Schedule 4 to those Regulations, and

(b) in relation to a window other than a windscreen, the marking designated as an approval mark by regulation 5 of those Regulations and shown at item 32 in Schedule 4 to those Regulations.”.

*Amendments to regulation 31 (mirrors)*

6. Regulation 31 of the principal Regulations shall be amended as follows—

(1) In the Table—

- (a) in column 3 of items 3 and 4, for “85/205” substitute “86/562 or 88/321 or paragraph 16.2.1 of ECE Regulation 46.01(a)”; and
- (b) in column 4 of items 1 and 3 to 6, after the words “Community Directive 86/562” insert the words “or 88/321 or paragraphs 4 to 8 of ECE Regulation 46.01”.

(2) In paragraph (5) for the words “or 86/562” wherever they appear, substitute the words “, 86/562 or 88/321 or ECE Regulation 46.01”.

*Amendments to Schedule 1 (Community Directives and ECE Regulations)*

7. Schedule 1 to the principal Regulations shall be amended as follows—

(1) In Table I—

(a) after item 54A(b), insert the following item—

“54B	88/321	16.5.88	L147, 14.6.88, p. 77	Mirrors	71/127 as amended by 79/795, 85/205 and 86/562	—	”;
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(b) after item 64(c), insert the following items—

“65	92/22	31.3.92	L129, 14.5.92 p. 11	Safety glazing and glazing materials on motor vehicles and their trailers	—	—	”.
66	92/23	31.3.92	L129, 14.5.92, p. 95	Tyres of motor vehicles and their trailers and their fitting	—	—	”.

(2) Items 21A(d) and 21B(e) of Table II shall be renumbered 21B and 21C respectively and after item 21 of that Table insert the following item—

“21A	46.01	46	21.10.84	Mirrors	30.5.88	—	”.
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(a) “ECE Regulation” is defined in reg. 2(2) of and Table II of Schedule 1 to the principal Regulations. Table II of Schedule 1 is amended by reg. 7(2) of these Regulations  
 (b) Item 54A was inserted by S.R. 1992 No. 111, reg. 19(2)  
 (c) Item 64 was inserted by S.R. 1992 No. 509, reg. 11(1)  
 (d) Item 21A was inserted by S.R. 1991 No. 420, reg. 8(2)  
 (e) Item 21B was inserted by S.R. 1992 No. 111, reg. 19(2)

Sealed with the Official Seal of the Department of the Environment on  
21st May 1993.

(L.S.)

*Trevor Pearson*

Assistant Secretary

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### EXPLANATORY NOTE

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

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989 (the 1989 Regulations). The amendments relate to tyres, glazing and mirrors.

#### **Tyres (regulations 2 and 3)**

Paragraph (7) of regulation 23 (as amended) of the 1989 Regulations sets out requirements in relation to tyres (other than retreaded tyres) fitted to certain vehicles. The regulation is amended so that a tyre meets the requirements of that paragraph if it bears an approval mark under Council Directive 92/23/EEC.

#### **Glass (regulations 4 and 5)**

Regulation 29 of the 1989 Regulations requires glass fitted to certain windows of certain vehicles to be so constructed or treated that if fractured it does not fly into fragments likely to cause severe cuts. The regulation is amended so that in effect glass bearing an approval mark under Council Directive 92/22/EEC is to be regarded as meeting that requirement.

Regulation 30 of the 1989 Regulations sets out requirements in relation to the windows of certain vehicles. The regulation is amended so that a windscreen bearing an approval mark relating to windscreens under Council Directive 92/22/EEC is exempt from those requirements. A similar amendment is made in relation to windows other than windscreens.

#### **Mirrors (regulation 6)**

Regulation 31 of the 1989 Regulations sets out requirements relating to the fitting of mirrors to vehicles. The amendments introduce alternatives to these requirements by reference to the provisions of Council Directive 71/127/EEC as last amended by Commission Directive 88/321/EEC and ECE Regulation 46 as amended on 30th May 1988.

Copies of the ECE Regulations and of the EEC Directives referred to in these Regulations and in this note can be obtained from Her Majesty's Stationery Office.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.