

## 1994 No. 353

## ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment No. 2)  
Regulations (Northern Ireland) 1994**

*Made* . . . . . 14th September 1994

*Coming into operation* . . . . . 1st November 1994

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, hereby 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) 1994 and shall come into operation on 1st November 1994.

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

*Amendments to regulation 2 (interpretation)*

2. Regulation 2 of the principal Regulations shall be amended as follows—

(1) In paragraph (1), after the definition of “coach” there shall be inserted the following definition—

“ “combined transport operation” shall be construed in accordance with paragraph 9 of Schedule 9A;”.

(2) In paragraph (9), for “Schedule 9” there shall be substituted “Schedules 9 and 9A”.

*Amendments to regulation 8 (height)*

3. Regulation 8 of the principal Regulations shall be amended as follows—

(1) In paragraph (2)(b), for “32,520kg” there shall be substituted “35,000kg”.

(2) After paragraph (2), there shall be inserted the following paragraph—

“(2A) Save as provided by paragraph (3), no person shall use or cause or permit to be used on a road a motor vehicle drawing a trailer (other than a semi-trailer) if—

(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. 1992 No. 111 and S.R. 1992 No. 509

(a) any part of the structure of any of the vehicles in the combination is more than 4.2m from the ground when the vehicles are on level ground; and

(b) the total laden weight of the combination exceeds 35,000kg.”.

(3) In paragraphs (3) and (4) for the words “paragraph (2)” in both places where they occur, there shall be substituted the words “paragraphs (2) and (2A)”.

*Amendments to regulation 74 (maximum permitted laden weight of a vehicle and trailer, other than an articulated vehicle)*

4. Regulation 74 of the principal Regulations shall be amended as follows—

(1) After paragraph (1), there shall be inserted the following paragraph—

“(1A) This regulation is subject to Schedule 9A (exemptions relating to combined transport operations).”

(2) For items 1, 1A and 1B in the Table there shall be substituted the following items—

---

“1	<p>A wheeled trailer which is drawn by a wheeled motor tractor, heavy motor car or motor car (not being in any case an agricultural motor vehicle), where—</p> <p>(a) the combination has a total of 4 or more axles and is being used for international transport; and</p> <p>(b) the drawing vehicle is a vehicle which was first used on or after 1st April 1973 and complies with the relevant braking requirement.</p>	35,000
----	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------

---

1A	<p>A wheeled trailer which is drawn by a wheeled motor tractor, heavy motor car or motor car (not being in any case an agricultural motor vehicle), where the combination has a total of 4 axles and the following conditions are satisfied in relation to the drawing vehicle, namely—</p> <p>(a) it was first used on or after 1st April 1973;</p> <p>(b) it complies with the relevant braking requirement;</p> <p>(c) every driving axle not being a steering axle is fitted with twin tyres; and</p> <p>(d) every driving axle is fitted with road friendly suspension.</p>	35,000
----	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------

---

1AA	<p>A wheeled trailer which is drawn by a wheeled motor tractor, heavy motor car or motor car (not being in any case an agricultural motor vehicle), where the</p>
-----	-------------------------------------------------------------------------------------------------------------------------------------------------------------------

combination has a total of 5 or more axles and the following conditions are satisfied in relation to the drawing vehicle, namely—

- (a) it was first used on or after 1st April 1973;
- (b) it complies with the relevant braking requirement;
- (c) every driving axle not being a steering axle is fitted with twin tyres; and
- (d) either every driving axle is fitted with road friendly suspension or no axle has an axle weight exceeding 8,500 kg.

38,000

1B

A wheeled trailer, not being part of a combination described in items 1, 1A or 1AA, which is drawn by a wheeled motor tractor, heavy motor car or motor car (not being in any case an agricultural motor vehicle), where—

- (a) the trailer is fitted with power-assisted brakes which can be operated by the driver of the drawing vehicle and are not rendered ineffective by the non-rotation of its engine; and
- (b) the drawing vehicle is equipped with a warning device so placed as to be readily visible to the driver of the vehicle and which is capable of indicating any impending failure of, or deficiency in, the vacuum or pressure system.

32,520''

(3) In item 3 of the Table, after "1A," there shall be inserted "1AA,".

*Amendments to regulation 75 (maximum permitted laden weight of an articulated vehicle)*

5. Regulation 75 of the principal Regulations shall be amended as follows—

- (1) After paragraph (2) there shall be inserted the following paragraph—  
 "(2A) This regulation is subject to Schedule 9A (exemptions relating to combined transport operations)."

(2) In paragraph (a) of column 3 of item 1 in the Table, the words from "provided" to "those items" shall be omitted.

*Amendments to regulation 78 (over-riding weight restrictions)*

6. Regulation 78 of the principal Regulations shall be amended as follows—

(1) In paragraph (3), at the beginning, insert the words “Subject to paragraph (4),”.

(2) After paragraph (3) add the following paragraph—

“(4) Paragraph (3) shall not apply in respect of item 11 in Part I of Schedule 7 to a vehicle being used in a combined transport operation and the requirements set out in Part II or Part III, as the case may be, of Schedule 9A are fulfilled.”.

*Amendments to Schedule 7 (plates for certain vehicles)*

7. In Part I of Schedule 7 to the principal Regulations—

(1) In items 9 and 10 for the words “Great Britain” substitute “United Kingdom”; and

(2) After item 10 add the following item—

“11. Maximum train weight in the United Kingdom(d).”.

*Amendments to Schedule 9 (maximum permitted weights, etc)*

8. Schedule 9 to the principal Regulations shall be amended as follows—

(1) Column 4 of Part III shall be omitted.

(2) For the entry in column 2 of item 4 of Part IV, there shall be substituted the following entry—

“Motor vehicle and semi-trailer having a total of 4 or more axles and not described in items 1, 2 or 3.”.

*New Schedule 9A (exemptions relating to combined transport operations)*

9. After Schedule 9 to the principal Regulations, there shall be inserted the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of the Environment on  
14th September 1994.

(L.S.)

*Trevor Pearson*

Assistant Secretary

## SCHEDULE

(see regulation 9)

"SCHEDULE 9A

(regulations 74(1A),  
75(2A) and 78(4))**Exemptions relating to combined transport operations**

## PART I

## GENERAL

1. Regulation 74 does not apply to a wheeled heavy motor car drawing one wheeled trailer if the requirements set out in Part II of this Schedule are fulfilled.
2. Regulation 75 does not apply to an articulated vehicle if the requirements set out in Part III of this Schedule are fulfilled.

## PART II

## DRAWBAR COMBINATIONS

- 3.—(1) The drawing vehicle and trailer must each be carrying a relevant receptacle as part of a combined transport operation, each such receptacle being on a journey—
  - (a) to a railhead from which the relevant receptacle is, as part of the operation, to be transported in a relevant manner by railway pursuant to a relevant contract made before the journey began; or
  - (b) from a railhead to which the relevant receptacle has, as part of the operation, been transported in a relevant manner by railway.
- (2) There must be carried in the cab of the drawing vehicle a document or documents—
  - (a) if the vehicle is on a journey to a railhead, specifying the railhead, the date the relevant contract was made and the parties thereto; and
  - (b) if the vehicle is on a journey from a railhead, specifying the railhead and the date and time at which the receptacles were collected from that railhead.
4. The following conditions must be satisfied in relation to the drawing vehicle, namely—
  - (a) it complies with the relevant braking requirement;
  - (b) every driving axle not being a steering axle is fitted with twin tyres; and
  - (c) either every driving axle is fitted with road friendly suspension or no axle has an axle weight exceeding 8,500 kg.
- 5.—(1) The motor vehicle and trailer must have a total of at least 6 axles.
- (2) The total laden weight of the motor vehicle and trailer must not exceed 44,000 kg.

## PART III

## ARTICULATED VEHICLES

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

(a) to a railhead from which the loading unit is, as part of the operation, to be transported in a relevant manner by railway pursuant to a relevant contract made before the journey began; or

(b) from a railhead to which the loading unit has, as part of the operation, been transported in a relevant manner by railway.

(2) If the loading unit is a bi-modal vehicle, the semi-trailer comprised in the articulated vehicle must be the bi-modal vehicle in its semi-trailer mode.

(3) If the loading unit is a relevant receptacle, the relevant receptacle must be being carried on the semi-trailer comprised in the articulated vehicle.

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

(a) if the vehicle is on a journey to a railhead, specifying the railhead, the date the contract was made and the parties thereto;

(b) if the vehicle is on a journey from a railhead, specifying the railhead and the date and time at which the loading unit was collected from that railhead.

7. The following conditions must be satisfied in relation to the motor vehicle, namely—

(a) it complies with the relevant braking requirements;

(b) it has at least three axles;

(c) every driving axle not being a steering axle is fitted with twin tyres; and

(d) either every driving axle is fitted with road friendly suspension or no axle has an axle weight exceeding 8,500 kg.

8.—(1) The articulated vehicle must have a total of at least 6 axles.

(2) The distance between the rearmost axle of the motor vehicle and the rearmost axle of the semi-trailer must be at least 6.7m.

(3) The laden weight of the articulated vehicle must not exceed the heaviest weight applicable to it in accordance with sub-paragraph (4).

(4) For the purposes of sub-paragraph (3), a weight is applicable to an articulated vehicle—

(a) if it is specified in column 3 of an item in the Table; and

(b) the distance between the rearmost axle of the motor vehicle and the rearmost axle of the semi-trailer is at least the distance specified in column 2 of that item.

TABLE

1 <i>Item</i>	2 <i>Minimum axle spacing (metres)</i>	3 <i>Maximum laden weight (kg)</i>
1	6.7	39,000
2	7.1	40,000
3	7.4	41,000
4	7.6	42,000
5	7.8	43,000
6	8.0	44,000

## PART IV

## INTERPRETATION

9.—(1) In this Schedule—

“bi-modal vehicle” means a semi-trailer which can be adapted for use as a railway vehicle;

“journey”, except in sub-paragraph (2), means a journey by road;

“loading unit” means a bi-modal vehicle or a relevant receptacle;

“network” means—

- (a) any railway line, or combination of two or more railway lines, and
- (b) any installations associated with any of the track comprised in that line or those lines,

together constituting a system of track and other installations which is used for and in connection with the support, guidance and operation of trains;

“network licence” means a licence authorising a person—

- (a) to be the operator of a network;
- (b) to be the operator of a train being used on a network for any purpose comprised in the operation of that network; and
- (c) to be the operator of a train being used on a network for a purpose preparatory or incidental to, or consequential on, using a train as mentioned in paragraph (b);

“railhead” means a facility for the transhipment of—

- (a) bi-modal vehicles from the ground onto the track of a railway or,
- (b) relevant receptacles from road vehicles onto railway vehicles situated on the track of a railway,

or vice versa;

“railway” means a system of transport employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and
- (b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level);

“railway vehicle” includes anything which, whether or not it is constructed or adapted to carry any person or load, is constructed or adapted to run on flanged wheels over or along track;

“relevant contract” means a contract for the transport of a loading unit by railway;

“relevant receptacle” means a receptacle (not being a vehicle) having a length of at least 6.1m designed and constructed for repeated use for the carriage of goods on, and for transfer between, road vehicles and railway vehicles;

“road friendly suspension” and “twin tyres” have the meanings given by regulation 73;

“track” means any land or other property comprising the permanent way of any railway, taken together with the ballast, sleepers and metals laid thereon, whether or not the land or other property is also used for other purposes; and any reference to track includes a reference to—

- (a) any level crossings, bridges, viaducts, tunnels, culverts, retaining walls, or other structures used or to be used for the support of, or otherwise in connection with, track; and
- (b) any walls, fences or other structures bounding the railway or bounding adjacent or adjoining property; and

“train” means—

- (a) two or more items of rolling stock coupled together, at least one of which is a locomotive; or
- (b) a locomotive not coupled to any other rolling stock.

(2) In these Regulations, a reference to a combined transport operation is a reference to the transport of a loading unit on a journey where—

- (a) part of the journey is by railway operated by the Northern Ireland Railways Company Limited or on a network operated by the British Railways Board or under a network licence;
- (b) part of the journey is by road; and
- (c) no goods are added to or removed from the loading unit between the time when the journey begins and the time when it ends.

(3) Subject to sub-paragraph (4), for the purposes of this Schedule—

- (a) a bi-modal vehicle shall be regarded as being transported by railway in a relevant manner if and only if the vehicle in its railway vehicle mode is travelling by railway as part of a train; and
- (b) a relevant receptacle shall be regarded as being transported by railway in a relevant manner if and only if it is being carried on a railway vehicle which forms part of a train.

(4) A relevant receptacle shall be regarded, for the purposes of this Schedule, as not being transported by railway in a relevant manner at any time when—

- (a) the relevant receptacle is in or on a motor vehicle or trailer; and
- (b) the motor vehicle or trailer is being carried on a railway vehicle.”.

## EXPLANATORY NOTE

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

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

*Height (regulation 3)*

2. Regulation 8(2) of the 1989 Regulations provided that if an articulated vehicle had a laden weight exceeding 32,520 kg, no part of the structure of the semi-trailer could be more than 4.2 metres above the ground. The provision is amended so that it applies only where the total laden weight exceeds 35,000 kg.

3. A new paragraph (2A) is added to regulation 8 which applies to vehicles drawing a trailer which is not a semi-trailer where the total laden weight of the combination exceeds 35,000 kg. In the case of such vehicles, no part of the structure of any of the vehicles in the combination may be more than 4.2 metres above the ground.

*Maximum permitted laden weight of a vehicle and trailer other than an articulated vehicle (regulation 4)*

4. Regulation 74 of the 1989 Regulations imposed a train weight limit of 35,000 kg on certain combinations of vehicles which do not constitute an articulated vehicle. The regulation is amended so as to raise the limit in certain cases to 38,000 kg. Some changes are made in the details relating to other weight limits applicable to such combinations.

*Maximum permitted laden weight of an articulated vehicle (regulations 5 and 8)*

5. Regulation 75 of and Schedule 9 to the 1989 Regulations impose train weight limits on articulated vehicles. Previously the maximum train weight depended on (amongst other things) the overall length of the motor vehicle and semi-trailer. The regulation and Schedule are amended so that the maximum permitted train weight no longer depends on overall length as such. However, it continues to depend on (amongst other things) the distance between the rear axle of the motor vehicle and the rear axle of the semi-trailer.

*Combined transport operations (regulations 4, 5 and 9)*

6. Regulations 74 and 75 of the 1989 Regulations as amended by these Regulations impose a limit of 38,000 kg on combinations of vehicles.

7. A new Schedule 9A is added to the 1989 Regulations exempting vehicles from regulations 74 and 75 when being used on combined transport operations provided that certain conditions are satisfied. "Combined transport operation" is defined in the new Schedule and is, broadly, the transport of a bi-modal vehicle or a receptacle which meets certain requirements on a journey part of which is by road and part of which is by rail.

8. One of the conditions is that the laden weight must not exceed the weight specified in the Schedule applicable to the combination. The limit is in no case more than 44 tonnes. Another condition is that the combination must have at least 6 axles.

*Plated weights (regulations 6 and 7)*

9. Regulation 78 of the 1989 Regulations provides that (amongst other things) a vehicle must not be used on a road if any of the weights shown on a plate fitted to the vehicle are exceeded. The regulation is amended so that a vehicle may exceed the permitted maximum train weight in the United Kingdom, provided that the vehicle is being used in a combined transport operation and the requirements of new Schedule 9A are met.

10. Part I of Schedule 7 to the principal Regulations is amended so as to require the maximum train weight in the United Kingdom to be shown as a particular on the plate fitted to a vehicle. Opportunity has been taken to correct two minor drafting errors.