
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 454

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

Part I

Preliminary

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 and shall come into operation on 1st January 2000.

Interpretation

2.—(1) In these Regulations—

“the 1920 Act” means the Roads Act 1920**(1)**;

“the 1949 Act” means the Vehicles (Excise) Act 1949**(2)**;

“the 1954 Act” means the Vehicles (Excise) Act (Northern Ireland) 1954**(3)**;

“the 1962 Act” means the Vehicles (Excise) Act 1962**(4)**;

“the 1971 Act” means the Vehicles (Excise) Act 1971**(5)**;

“the 1972 Act” means the Vehicles (Excise) Act (Northern Ireland) 1972**(6)**;

“the Approval Marks Regulations” means the Motor Vehicles (Designation of Approval Marks) Regulations 1979**(7)**;

“the Lighting Regulations” means the Road Vehicles Lighting Regulations (Northern Ireland) 1995**(8)**;

“the Northern Ireland Regulations” means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985**(9)**;

“the Type Approval Regulations” means the Motor Vehicles (EC Type Approval) Regulations 1998**(10)**;

(1) 1920 c. 72

(2) 1949 c. 89

(3) 1954 c. 17 (N.I.)

(4) 1962 c. 13

(5) 1971 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31)

(6) 1972 c. 10 (N.I.)

(7) S.I. 1979/1088; relevant amending instruments are S.I. 1980/582, S.I. 1980/2027, S.I. 1981/126, S.I. 1981/1732, S.I. 1982/1479, S.I. 1983/1602, S.I. 1985/113, S.I. 1986/369, S.I. 1989/1014, S.I. 1990/1838, S.I. 1991/1979, S.I. 1992/634, S.I. 1992/3086, S.I. 1993/1710, S.I. 1995/3342 and S.I. 1997/58

(8) S.R. 1995 No. 449 as amended by S.R. 1997 No. 305

(9) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1987 No. 389, S.R. 1988 No. 405, S.R. 1990 No. 84, S.R. 1990 No. 312, S.R. 1991 No. 408, S.R. 1992 No. 86, S.R. 1992 No. 508 and S.R. 1996 No. 156

(10) S.I. 1998/2051

“the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981⁽¹¹⁾;

“the 1994 Act” means the Vehicle Excise and Registration Act 1994⁽¹²⁾;

“agricultural motor vehicle” means a motor vehicle which is constructed or adapted for use off roads for the purpose of agriculture, horticulture or forestry and which is primarily used for one or more of those purposes, not being a dual-purpose vehicle;

“agricultural or forestry tractor” means an agricultural or forestry tractor within the meaning of Community Directive 82/890⁽¹³⁾;

“agricultural trailer” means a trailer which is constructed or adapted for the purpose of agriculture, horticulture or forestry and which is only used for one or more of those purposes, not being an agricultural trailed appliance;

“agricultural trailed appliance” means a trailer—

- (a) which is an implement constructed or adapted—
 - (i) for use off roads for the purpose of agriculture, horticulture or forestry and which is only used for one or more of those purposes, and
 - (ii) so that, save in the case of an appliance manufactured before 1st December 1985, or a towed roller, its maximum gross weight is not more than twice its unladen weight; but
- (b) which is not—
 - (i) a vehicle which is used primarily as living accommodation, and which carries no goods except those needed for the purpose of residence in the vehicle; or
 - (ii) an agricultural, horticultural or forestry implement rigidly but not permanently mounted on any vehicle whether or not any of the weight of the implement is supported by one or more of its own wheels; so however that such an implement is an agricultural trailed appliance if—
 - (A) — part of the weight of the implement is supported by one or more of its own wheels, and
 - (B) — the longitudinal axis of the greater part of the implement is capable of articulating in the horizontal plane in relation to the longitudinal axis of the rear portion of the vehicle on which it is mounted;

“agricultural trailed appliance conveyor” means an agricultural trailer which—

- (a) has an unladen weight which does not exceed 510 kg;
- (b) is clearly and indelibly marked with its unladen weight;
- (c) has a pneumatic tyre fitted to each of its wheels; and
- (d) is designed and constructed for the purpose of conveying one agricultural trailed appliance or one agricultural, horticultural or forestry implement;

“articulated bus” means a bus so constructed that—

- (a) it can be divided into two parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop; and
- (b) passengers carried by it can at all times pass from either part to the other;

⁽¹¹⁾ S.I. 1981/154 (N.I. 1)

⁽¹²⁾ 1994 c. 22, as amended by 1995 c. 4, Sch. 4 Part V

⁽¹³⁾ O.J. No. L378, 31.12.82, p. 45

“articulated vehicle” means a heavy motor car or motor car, with a trailer so attached that part of the trailer is superimposed on the drawing vehicle and, when the trailer is uniformly loaded, not less than 20% of the weight of its load is borne by the drawing vehicle;

“axle”—any reference to the number of axles of a vehicle is to be interpreted in accordance with paragraph (8);

“axle weight” in relation to each axle of a vehicle, means the sum of the weights transmitted to the road surface by all the wheels of that axle, having regard to the provisions of paragraph (8);

“braking efficiency” means the maximum braking force capable of being developed by the brakes of a vehicle, expressed as a percentage of the weight of the vehicle including any persons or load carried in the vehicle;

“braking system” is to be interpreted in accordance with paragraph (6);

“bus” means a motor vehicle which is constructed or adapted to carry more than eight seated passengers in addition to the driver;

“cc” means cubic centimetre;

“car transporter” means a trailer which is constructed and normally used for the purpose of carrying at least two other wheeled vehicles;

“close-coupled” in relation to a trailer, means that the wheels on the same side of the trailer are so fitted that at all times while it is in motion they remain parallel to the longitudinal axis of the trailer and that the distance between the centres of their respective areas of contact with the road surface does not exceed 1 m;

“cm” means centimetre;

“cm²” means square centimetre;

“coach” means a large bus with a maximum gross weight of more than 7.5 tonnes and with a maximum speed exceeding 60 mph;

“combined transport operation” shall be construed in accordance with paragraph 11 of Schedule 14;

“the Community Recording Equipment Regulation” means Council Regulation (EEC) 3821/85 of 20th December 1985 on recording equipment in road transport(14), as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 1987(15);

“composite trailer” means a combination of a converter dolly and a semi-trailer;

“container” means an article of equipment, not being a motor vehicle or trailer, having a volume of at least 8 cubic metres, constructed wholly or mostly of metal and intended for repeated use for the carriage of goods;

“converter dolly” means—

- (a) a trailer which is—
 - (i) equipped with 2 or more wheels,
 - (ii) designed to be used in combination with a semi-trailer without any part of the weight of the semi-trailer being borne by the drawing trailer, and
 - (iii) not itself a part either of the semi-trailer or the drawing vehicle when being so used; or
- (b) a trailer which is—
 - (i) equipped with 2 or more wheels,

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

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

- (ii) designed to be used in combination with a semi-trailer with part of the weight of the semi-trailer being borne by the drawing vehicle,
- (iii) not itself a part either of the semi-trailer or the drawing vehicle when being so used, and
- (iv) used solely for the purposes of agriculture, horticulture or forestry, or for any two or for all of those purposes.

“deck” means a floor or platform on which seats are provided for the accommodation of passengers;

“design weight” means in relation to the gross weight, each axle weight or the train weight of a motor vehicle or trailer, the weight at or below which the vehicle could safely be driven on roads;

“double-decked vehicle” means a vehicle having two decks one of which is wholly or partly above the other and each of which is provided with a gangway serving seats on that deck only;

“engine power in kilowatts (kw)” means the maximum net power ascertained in accordance with Community Directive 80/1269;

“engineering equipment” means engineering plant and any other plant or equipment designed and constructed for the purpose of engineering operations;

“engineering plant” means—

- (a) movable plant or equipment being a motor vehicle or trailer specially designed and constructed for the special purposes of engineering operations, and which cannot, owing to the requirements of those purposes, comply with all the requirements of these Regulations and which is not constructed primarily to carry a load other than a load being either excavated materials raised from the ground by apparatus on the motor vehicle or trailer or materials which the vehicle or trailer is specially designed to treat while carried on it; or
- (b) a mobile crane which does not comply in all respects with these Regulations;

“exhaust system” means a complete set of components through which the exhaust gases escape from the engine unit of a motor vehicle including those which are necessary to limit the noise caused by the escape of those gases;

“first used” is to be interpreted in accordance with paragraph (4);

“gangway” means the space provided for obtaining access from any entrance to the passengers' seats or from any such seat to an exit other than an emergency exit, but excluding a staircase and any space in front of a seat which is required only for the use of passengers occupying that seat or a seat in the same row of seats;

“gas” means any fuel which is wholly gaseous at 17.5°C under a pressure of 1.013 bar absolute;

“gas-fired appliance” means a device carried on a motor vehicle or trailer when in use on a road, which consumes gas and which is neither—

- (a) a device owned or operated by or with the authority of the British Gas Corporation for the purpose of detecting gas, nor
- (b) an engine for the propulsion of a motor vehicle, nor
- (c) a lamp which consumes acetylene gas;

“gritting trailer” means a trailer which is used on a road for the purpose of spreading grit or other matter so as to avoid or reduce the effect of ice or snow on the road;

“gross weight” means—

- (a) in relation to a motor vehicle, the sum of the weights transmitted to the road surface by all the wheels of the vehicle;
- (b) in relation to a trailer, the sum of the weights transmitted to the road surface by all the wheels of the trailer and of any weight of the trailer imposed on the drawing vehicle;

“heavy motor car” means a mechanically propelled vehicle, not being a locomotive, a motor tractor, or a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 3050 kg;

“indivisible load” means a load which cannot without undue expense or risk of damage be divided into two or more loads for the purpose of conveyance on a road;

“industrial tractor” means a tractor, not being an agricultural motor vehicle which—

- (a) has an unladen weight not exceeding 7370 kg;
- (b) is designed and used primarily for work off roads, or for work on roads in connection only with road construction or maintenance (including any such tractor when fitted with an implement designed primarily for use in connection with such work, whether or not any such implement is of itself designed to carry a load); and
- (c) has a maximum speed not exceeding 20 mph;

“kerbside weight” means the weight of a vehicle when it carries—

- (a) in the case of a motor vehicle,
 - (i) no person; and
 - (ii) 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;
- (b) in the case of a trailer, no person and is otherwise unladen;

“kg” means kilogram;

“km/h” means kilometre per hour;

“kw” means kilowatt;

“large bus” means a vehicle constructed or adapted to carry more than 16 seated passengers in addition to the driver;

“light trailer” means a trailer with a maximum gross weight which does not exceed 3,500 kg;

“living van” means a vehicle used primarily as living accommodation, and which is not also used for the carriage of goods which are not needed for the purpose of residence in the vehicle;

“locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen exceeds 7370 kg;

“longitudinal plane” means a vertical plane parallel to the longitudinal axis of a vehicle;

“low loader” means a semi-trailer which is constructed and normally used for the carriage of engineering equipment so constructed that the major part of the load platform does not extend over or between the wheels and the upper surface of which is below the height of the top most point of the tyres of those wheels, measured on level ground and when—

- (a) any adjustable suspension is at the normal travelling height;
 - (b) all pneumatic tyres are suitably inflated for use when the vehicle is fully laden; and
 - (c) the semi-trailer is unladen;
- (see also the definition of stepframe low loader);

“low platform trailer” means a trailer fitted with tyres with a rim diameter size code of less than 20 and displaying a rectangular plate which—

- (a) is at least 225mm wide and at least 175mm high; and
- (b) has a white background bearing two black letters “L”, each at least 125mm high and 90mm wide with a stroke width of 12mm;

“m” means metre;

“m²” means square metres;

“m³” means cubic metres;

“maximum permitted axle weight” means—

- (a) in the case of a vehicle which is equipped with a plate in accordance with regulation 79, the maximum axle weight shown for that axle on the plate in respect of item 9 of Part I of Schedule 11 in the case of a motor vehicle and item 7 of Part II of Schedule 11 in the case of a trailer;
- (b) in any other case, the weight which the axle is designed or adapted not to exceed when the vehicle is travelling on a road;

“maximum gross weight” means—

- (a) in the case of a vehicle which is equipped with a plate in accordance with regulation 79, the maximum gross weight shown on the plate in respect of item 7 of Part I of Schedule 11 in the case of a motor vehicle and item 6 of Part II of Schedule 11 in the case of a trailer;
- (b) in any other case, the weight which the vehicle is designed or adapted not to exceed when the vehicle is travelling on a road;

“maximum total design axle weight” (an expression used only in relation to trailers) means—

- (a) in the case of a trailer which is equipped with a plate in accordance with regulation 79, the sum of the maximum axle weights shown on the plate in respect of item 4 of Part II of Schedule 11;
- (b) in the case of any other trailer, the sum of the axle weights which the trailer is designed or adapted not to exceed when the vehicle is travelling on a road;

“maximum speed” means the speed which a vehicle is incapable, by reason of its construction, of exceeding on the level under its own power when fully laden;

“minibus” means a motor vehicle which is constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver;

“mm” means millimetre;

“motor ambulance” means a motor vehicle which is specially designed and constructed (and not merely adapted) for carrying, as equipment permanently fixed to the vehicle, equipment used for medical, dental, or other health purposes and is used primarily for the carriage of persons suffering from illness, injury or disability;

“motor car” means a mechanically propelled vehicle, not being a motor tractor, a motor-cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

- (a) if it is constructed solely for the carriage of passengers and their effects and is adapted to carry not more than 7 passengers exclusive of the driver does not exceed 3,050 kg;
- (b) if it is constructed for use for the conveyance of goods does not exceed 3,050 kg;
- (c) does not exceed 2,540 kg in a case falling within neither of the foregoing paragraphs;

“motor caravan” means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment,

the facilities which are reasonably necessary for enabling the vehicle to provide living accommodation for its users;

“mph” means miles per hour;

“N/mm²” means newtons per square millimetre;

“off-road vehicle” means an off-road vehicle as defined in Annex I to Council Directive [70/156/EEC](#) of 6th February 1970⁽¹⁶⁾ as read with Council Directive [87/403/EEC](#) of 25th June 1987⁽¹⁷⁾;

“overall height” in relation to a vehicle means the vertical distance between the ground and the point on the vehicle which is furthest from the ground, calculated when—

- (a) the tyres of the vehicle are suitably inflated for the use to which it is being put;
- (b) the vehicle is at its unladen weight; and
- (c) the surface of the ground under the vehicle is reasonably flat;

“overall length” in relation to a vehicle, means the distance between transverse planes passing through the extreme forward and rearward projecting points of the vehicle inclusive of all parts of the vehicle, any receptacle which is of a permanent character and any fitting on, or attached to, the vehicle except—

- (i) for all purposes—
- (ii) any driving mirror;
- (iii) any expanding or extensible contrivance forming part of a turntable fire escape fixed to a vehicle;
- (iv) any snow-plough fixed in front of a vehicle;
- (v) any receptacle specially designed to hold and keep secure a seal issued for the purposes of customs clearance;
- (vi) any tailboard which is let down while the vehicle is stationary in order to facilitate its loading or unloading;
- (vii) any tailboard which is let down in order to facilitate the carriage of, but which is not essential for the support of, loads which are in themselves so long as to extend at least as far as the tailboard when upright;
- (viii) any fitting attached to a part of, or to a receptacle on, a vehicle which does not increase the carrying capacity of the part or receptacle but which enables it to be—
 - (i) transferred from a road vehicle to a railway vehicle or from a railway vehicle to a road vehicle,
 - (ii) secured to a railway vehicle by a locking device, and
 - (iii) carried on a railway vehicle by the use of stanchions;
- (ix) any plate, whether rigid or movable, fitted to a trailer constructed for the purpose of carrying other vehicles and designed to bridge the gap between that trailer and a motor vehicle constructed for that purpose and to which the trailer is attached so that while the trailer is attached to the motor vehicle, vehicles which are to be carried by the motor vehicle may be moved from the trailer to the motor vehicle before a journey begins, and vehicles which have been carried on the motor vehicle may be moved from it to the trailer after a journey ends;
- (x) any sheeting or other readily flexible means of covering or securing a load;

⁽¹⁶⁾ O.J. No. L42, 23.2.70, p. 1

⁽¹⁷⁾ O.J. No. L220, 8.8.87, p. 44

- (xi) any receptacle with an external length, measured parallel to the longitudinal axis of the vehicle, not exceeding 2.5m;
 - (xii) any empty receptacle which itself forms a load;
 - (xiii) any receptacle which contains an indivisible load of exceptional length;
 - (xiv) any receptacle manufactured before 30th October 1985, not being a container designed primarily for carriage on sea transport without an accompanying road vehicle;
 - (xv) any special appliance or apparatus as described in regulation 94(1)(c) which does not itself increase the carrying capacity of the vehicle; or
 - (xvi) any rearward projecting buffer made of rubber or other resilient material;
 - (ii) for the purposes of regulations 6, 16, 17 and 19—
 - (xviii) any part of a trailer (not being in the case of an agricultural trailed appliance a drawbar or other thing with which it is equipped for the purpose of being towed) designed primarily for use as a means of attaching it to another vehicle and any fitting designed for use in connection with any such part;
 - (xix) the thickness of any front or rear wall on a semi-trailer and of any part forward of such front wall or rearward of such rear wall which does not increase the vehicle's load-carrying space;
- “overall width” in relation to a vehicle means the distance between longitudinal planes passing through the extreme lateral projecting points of the vehicle inclusive of all parts of the vehicle, any receptacle which is of a permanent character and any fitting on, or attached to, the vehicle except—
- (a) any driving mirror;
 - (b) any snow-plough fixed in front of the vehicle;
 - (c) so much of the distortion of any tyre as is caused by the weight of the vehicle;
 - (d) any receptacle specially designed to hold and keep secure a seal issued for the purposes of customs clearance;
 - (e) any lamp or reflector fitted to the vehicle in accordance with the Lighting Regulations;
 - (f) any sideboard which is let down while the vehicle is stationary in order to facilitate its loading or unloading;
 - (g) any fitting attached to part of, or to a receptacle on, a vehicle which does not increase the carrying capacity of the part or receptacle but which enables it to be—
 - (i) transferred from a road vehicle to a railway vehicle or from a railway vehicle to a road vehicle;
 - (ii) secured to a railway vehicle by a locking device; and
 - (iii) carried on a railway vehicle by the use of stanchions;
 - (h) any sheeting or other readily flexible means of covering or securing a load;
 - (i) any receptacle with an external width, measured at right angles to the longitudinal axis of the vehicle, which does not exceed 2.5m;
 - (j) any empty receptacle which itself forms a load;
 - (k) any receptacle which contains an indivisible load of exceptional width;
 - (l) any receptacle manufactured before 30th October 1985, not being a container designed primarily for carriage on sea transport without an accompanying road vehicle;
 - (m) any special appliance or apparatus as described in regulation 94(1)(c) which does not itself increase the carrying capacity of the vehicle; or

- (n) any apparatus fitted to a bus which enables it to be guided wholly or mainly by means of wheels bearing outwards against fixed apparatus, provided that no part of the apparatus projects more than 75mm beyond the side of the bus when the wheels of the bus are parallel to its longitudinal axis;

and the reference in sub-paragraph (n) to the side of a bus is a reference to the longitudinal plane passing through the extreme lateral projecting points of the vehicle inclusive of all parts of the vehicle, of any receptacle which is of permanent character and accordingly strong enough for repeated use, and any fitting on, or attached to, the vehicle except those items referred to in sub-paragraphs (a) to (n);

“overhang” in relation to a vehicle, means the distance measured horizontally and parallel to the longitudinal axis of a vehicle between two transverse planes passing through the following two points—

- (a) the rearmost point of the vehicle exclusive of—
 - (i) any expanding or extensible contrivance forming part of a turntable fire escape fixed to a vehicle;
 - (ii) in the case of a motor car constructed solely for the carriage of passengers and their effects and adapted to carry not more than 8 passengers exclusive of the driver, any luggage carrier fitted to the vehicle; and
- (b)
 - (i) in the case of a motor vehicle having not more than three axles of which only one is not a steering axle, the centre point of that axle;
 - (ii) in the case of a motor vehicle having three axles of which the front axle is the only steering axle and of a motor vehicle having four axles of which the two foremost are the only steering axles, a point 110mm behind the centre of a straight line joining the centre points of the two rearmost axles; and
 - (iii) in any other case a point situated on the longitudinal axis of the vehicle and such that a line drawn from it at right angles to that axis will pass through the centre of the minimum turning circle of the vehicle;

“passenger vehicle” means a vehicle constructed solely for the carriage of passengers and their effects;

“pedestrian-controlled vehicle” means a motor vehicle which is controlled by a pedestrian and not constructed or adapted for use or used for the carriage of a driver or passenger;

“plated weight” in relation to an axle, means the maximum weight in Great Britain shown for that axle in the plate complying with the requirements of regulation 69(2) or the weight shown for that axle in the foreign plate with which the vehicle is equipped;

“pneumatic tyre” means a tyre which—

- (a) is provided with, or together with the wheel upon which it is mounted forms, a continuous closed chamber inflated to a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used but is not subjected to any load;
- (b) is capable of being inflated and deflated without removal from the wheel or vehicle; and
- (c) is such that, when it is deflated and is subjected to a normal load, the sides of the tyre collapse;

“public works vehicle” means a mechanically propelled vehicle which is specially designed for use on a road by any statutory undertaker, or any police force for the purpose of works which such undertaker, or force has a duty or a power to carry out, but excluding the carriage of persons other than crew or of goods other than goods needed for the works in respect of which the vehicle is being used;

“recut pneumatic tyre” means a pneumatic tyre in which all or part of its original tread pattern has been cut deeper or burnt deeper or a different tread pattern has been cut deeper or burnt deeper than the original tread pattern;

“refuse vehicle” means a vehicle designed for use and used solely in connection with street cleansing, the collection or disposal of refuse, or the collection or disposal of the contents of gullies or cesspools;

“registered” means registered under any of the following enactments—

- (a) the 1920 Act;
- (b) the 1949 Act;
- (c) the 1954 Act;
- (d) the 1962 Act;
- (e) the 1971 Act; or
- (f) the 1972 Act; and

in relation to the date on which a vehicle was registered, the date on which it was first registered under any of those Acts;

“relevant braking requirement” means a requirement that the brakes of a motor vehicle (as assisted, where a trailer is being drawn, by the brakes on the trailer) comply—

- (i) in a case to which item 1 in Table I in regulation 24 applies, with the requirements as to maintenance specified in regulation 24(5) for vehicles falling in that item;
- (ii) in any other case, with the requirements as to maintenance specified in regulation 24(5) for vehicle classes (a) and (b) in item 2 of that Table (whatever the date of first use of the motor vehicle and the date of manufacture of any trailer drawn by it may be);

“resilient tyre” means a tyre, not being a pneumatic tyre, which is of soft or elastic material, having regard to paragraph (5);

“restricted speed vehicle” means a vehicle displaying at its rear a plate in accordance with the requirements of Schedule 16;

“retreaded tyre” means a tyre which has been reconditioned to extend its useful life by replacement of the tread rubber or by replacement of the tread rubber and renovation of the sidewall rubber;

“rigid vehicle” means a motor vehicle which is not constructed or adapted to form part of an articulated vehicle;

“rim diameter” is to be interpreted in accordance with the British Standard BS AU 50: Part II: Section 1: 1980 entitled “British Standard Automobile Series: Specification for Tyres and Wheels Part II. Wheels and Rims Section 1. Rim profiles and dimensions (including openings for valves)” which came into effect on 28th November 1980;

“rim diameter size code” is to be interpreted in accordance with the British Standard referred to in the definition of “rim diameter”;

“secondary braking system” means a braking system of a vehicle applied by a secondary means of operation independent of the service braking system or by one of the sections comprised in a split braking system;

“semi-trailer” means a trailer which is constructed or adapted to form part of an articulated vehicle including (without prejudice to the generality of the foregoing) a vehicle which is not itself a motor vehicle but which has some or all of its wheels driven by the drawing vehicle;

“service braking system” means the braking system of a vehicle which is designed and constructed to have the highest braking efficiency of any of the braking systems with which the vehicle is equipped;

“silencer” means a contrivance suitable and sufficient for reducing as far as is reasonable the noise caused by the escape of exhaust gases from the engine of a motor vehicle;

“single-decked vehicle” means a vehicle upon which no part of a deck or gangway is vertically above another deck or gangway;

“split braking system” means in relation to a motor vehicle, a braking system so designed and constructed that—

- (a) it comprises two independent sections of mechanism capable of developing braking force such that, excluding the means of operation, a failure of any part (other than a fixed member or a brake shoe anchor pin) of one of the said sections will not cause a decrease in the braking force capable of being developed by the other section;
- (b) the said two sections are operated by a means of operation which is common to both sections;
- (c) the braking efficiency of either of the said two sections can be readily checked;

“staircase” means a staircase by means of which passengers on a double-decked vehicle may pass to and from the upper deck of the vehicle;

“statutory undertaker” means any person including a government department or district council authorised by any statutory provision to carry on any railway, canal, inland navigation, ferry, dock, harbour, gas, water, electricity, or other public undertaking and includes the Post Office and an operator of a telecommunications code system as defined in paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984⁽¹⁸⁾;

“stepframe low loader” means a semi-trailer (not being a low loader) which is constructed and normally used for the carriage of engineering equipment and is so constructed that the upper surface of the major part of the load platform is at a height of less than 1m above the ground when measured on level ground and when—

- (a) any adjustable suspension is at the normal travelling height;
- (b) all pneumatic tyres are suitably inflated for use when the vehicle is fully laden; and
- (c) the semi-trailer is unladen.

“stored energy” in relation to a braking system of a vehicle, means energy (other than the muscular energy of the driver or the mechanical energy of a spring) stored in a reservoir for the purpose of applying the brakes under the control of the driver, either directly or as a supplement to his muscular energy;

“straddle carrier” means a motor vehicle constructed to straddle and lift its load for the purpose of transportation;

“statutory power of removal” means a power conferred by or under any enactment to remove or move a vehicle from any road or from any part of a road;

“three-wheeled motor-cycle” means a motor-cycle having three wheels, but does not include a two-wheeled motor-cycle with a sidecar attached;

“towing implement” means a device on wheels designed for the purpose of enabling a motor vehicle to draw another vehicle by the attachment of that device to that other vehicle in such a manner that part of that other vehicle is secured to and either rests on or is suspended from the device and some but not all of the wheels on which that other vehicle normally runs are raised off the ground;

“track-laying” in relation to a vehicle means a vehicle so designed and constructed that the weight thereof is transmitted to the road surface either by means of continuous tracks or by a

combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle;

“trailer” means a vehicle drawn by a motor vehicle and is to be interpreted in accordance with paragraph (11);

“train weight” means in relation to a motor vehicle which may draw a trailer, the maximum laden weight for the motor vehicle together with any trailer which may be drawn by it;

“transverse plane” means a vertical plane at right angles to the longitudinal axis of a vehicle;

“unbraked trailer” means a trailer other than one which, whether or not regulation 20 or 21 applies to it, is equipped with a braking system in accordance with one of those regulations;

“unladen weight” means the weight of a vehicle or trailer inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment;

“vehicle in the service of a visiting force or of a headquarters” means a vehicle so described in Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(19);

“wheel” means a wheel the tyre or rim of which when the vehicle is in motion on a road is in contact with the ground. Two wheels are to be regarded as one wheel in the circumstances specified in paragraph (7);

“wheeled” in relation to a vehicle, means so constructed that the whole weight of the vehicle is transmitted to the road surface by means of wheels;

“wide tyre” means a pneumatic tyre of which the area of contact with the road surface is not less than 300mm in width when measured at right angles to the longitudinal axis of the vehicle;

“works trailer” means a trailer designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works;

“works truck” means a motor vehicle (other than a straddle carrier) designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works.

(2) The expressions defined below are used in these Regulations and relate to the European Economic Community—

“the Act of Accession” means the Treaty concerning the Accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and the European Atomic Energy Community(20);

“Community Directive, followed by a number” means the Directive adopted by the Council or the Commission of the European Communities of which identifying particulars are given in the item in column 3 of Table I in Schedule 1 in which that number appears in column 2.

(19) S.I. 1965/1536

(20) Cmnd. 5179-1

Where such a Directive amends a previous Directive mentioned in column 3(d) of the Table the reference to the amending Directive includes a reference to that previous Directive as so amended;

Any reference to a Directive which has been amended by the Act of Accession is a reference to the Directive as so amended;

“EEA State” means a state which is a contracting party to the EEA Agreement;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(21);

“ECE Regulation, followed by a number” means the Regulation, annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicles Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958(22) as amended(23), to which the United Kingdom is a party(24), of which identifying particulars are given in the item in column 3)(a), (b) and (c) of Table II in Schedule 1 in which that number appears in column (2), and where that number contains more than two digits, it refers to that Regulation with the amendments in force at the date specified in column 3)(d) in that item;

“Framework Directive” means Council Directive 70/156/EEC(25) as amended by Council Directive 87/403/EEC(26), Council Directive 92/53/EEC(27), Commission Directive 93/81/EC(28), Council Directive 96/27/EC(29), Council Directive 96/79/EC(30) and Commission Directive 98/14/EC(31).

(3) In these Regulations any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the regulation or Schedule in which that reference occurs.

(4) For the purpose of these Regulations, in determining when a motor vehicle is first used, the date of such first use shall be taken to be such a date as is the earliest of the undermentioned relevant dates applicable to that vehicle—

(a) in the case of a vehicle registered under the 1920 Act, the 1949 Act, the 1954 Act, the 1962 Act, the 1971 Act or the 1972 Act, the relevant date is the date on which it was first so registered; and

(b) in each of the following cases—

(i) a vehicle which is being or has been used under a trade licence issued under section 16 of the 1972 Act (otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made or of a distributor of vehicles, or dealer in vehicles, to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement);

(ii) a vehicle belonging, or which has belonged, to the Crown and which is or was used or appropriated for use for naval, military or air force purposes;

(21) Cm 2073 and 2183

(22) Cmnd. 2535

(23) Cmnd. 3562

(24) By instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963

(25) O.J. No. L42, 23.2.70, p. 1

(26) O.J. No. L220, 8.8.87, p. 44

(27) O.J. No. L225, 10.8.92, p. 1

(28) O.J. No. L264, 23.10.93, p. 49

(29) O.J. No. L169, 8.7.96, p. 1

(30) O.J. No. L18, 21.1.97, p. 7

(31) O.J. No.91, 25.3.98, p. 1

- (iii) a vehicle belonging, or which has belonged, to a visiting force or a headquarters or defence organisation to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965 applies;
- (iv) a vehicle which has been used on roads outside the United Kingdom before being imported into Northern Ireland; and
- (v) a vehicle which has been used otherwise than on roads after being sold or supplied by retail and before being registered;

the relevant date is the date of manufacture of the vehicle.

In sub-paragraph (b)(v) “sold or supplied by retail” means sold or supplied otherwise than to a person acquiring it solely for the purpose of resale or re-supply for a valuable consideration.

- (5) A tyre shall not be deemed to be of soft or elastic material unless the said material is either—
- (a) continuous round the circumference of the wheel; or
 - (b) fitted in sections so that so far as reasonably practicable no space is left between the ends thereof,

and is of such thickness and design as to minimise, so far as reasonably possible, vibration when the vehicle is in motion and so constructed as to be free from any defect which might in any way cause damage to the surface of a road.

(6) For the purpose of these Regulations a brake drum and a brake disc shall be deemed to form part of the wheel and not of the braking system.

(7) For the purpose of these Regulations (other than regulations 30 and 31) any two wheels of a motor vehicle or trailer shall be regarded as one wheel if the distance between the centres of the areas of contact between such wheels and the road surface is less than 460mm.

(8) For the purpose of these Regulations (other than regulations 30 and 31) in counting the number of axles of, and in determining the sum of the weights transmitted to the road surface by any one axle of, a vehicle, all the wheels of which the centres of the areas of contact with the road surface can be included between any two transverse planes less than 0.5m apart shall be treated as constituting one axle.

(9) For the purposes of these Regulations, a reference to axles being closely-spaced is a reference to—

- (a) two axles (not being part of a group of axles falling within sub-paragraph (b) or (c)) which are spaced at a distance apart of not more than 2.5m;
- (b) three axles (not being part of a group of axles falling within sub-paragraph (c)) the outermost of which are spaced at a distance apart of not more than 3.25m; or
- (c) four or more axles the outermost of which are spaced at a distance apart of not more than 4.6m;

the number of axles for the purposes of these paragraphs being determined in accordance with paragraph (8); and a reference to any particular number of closely-spaced axles shall be construed accordingly.

(10) For the purpose of paragraph (9), regulations 59, 86, 87, 89 and Schedules 13 and 14, the distance between any two axles shall be obtained by measuring the shortest distance between the line joining the centres of the areas of contact with the road surface of the wheels of one axle and the line joining the centres of the areas of contact with the road surface of the wheels of the other axle.

(11) For the purpose only of the provisions specified in sub-paragraphs (a), (b) and (c), a composite trailer shall be treated as one trailer—

- (a) regulations 6, 88 and 95;
- (b) paragraph (2) of, and items 3 and 10 in the Table in, regulation 87; and

(c) item 2 in the Table in regulation 90.

Application and exemptions

3.—(1) These Regulations apply to both wheeled vehicles and track-laying vehicles.

(2) Where a provision is applied by these Regulations to a motor vehicle first used on or after a specified date it does not apply to that vehicle if it was manufactured at least six months before that date.

(3) Where an exemption from, or relaxation of, a provision is applied by these Regulations to a motor vehicle first used before a specified date it shall also apply to a motor vehicle first used on or after that date if it was manufactured at least six months before that date.

(4) The regulations specified in an item in column 3 of the Table do not apply in respect of a vehicle of a class specified in that item in column 2.

TABLE

(regulation 3(4))

| (1) <i>Item</i> | (2) <i>Class of vehicle</i> | (3) <i>Regulations which do not apply</i> |
|--------------------|--|--|
| 1 | A vehicle proceeding to a port for export. | The regulations in Part II insofar as they relate to construction and equipment, except regulations 21 (insofar as it concerns parking brakes) 26, 35, 39, 44, 62. Regulations 79 to 85. |
| 2 | A vehicle brought temporarily into Northern Ireland by a person resident abroad, provided that the vehicle complies in every respect with the requirements relating to motor vehicles or trailers contained in— (a) Article 21 and Article 22(1) of the Convention on Road Traffic concluded at Geneva on 19th September 1949(32) and Part I, Part II (insofar as it relates to direction indicators and stop lights) and Part III of Annex 6 to that Convention; or (b) paragraphs 1, III and VIII of Article 3 of the International Convention | The regulations in Part II insofar as they relate to construction and equipment except regulations 6, 7, 9, 10, 49 and 62. Regulations 79 to 85. |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| (1) <i>Item</i> | (2) <i>Class of vehicle</i> | (3) <i>Regulations which do not apply</i> |
|--------------------|--|---|
| | relative to Motor Traffic concluded at Paris on 24th April 1926 (33) . | |
| 3 | <p>A vehicle manufactured in the United Kingdom which complies with the requirements referred to in item 2 and contained in the said Convention of 1949, or, as the case may be, 1926 referred to in that item as if the vehicle had been brought temporarily into Northern Ireland and either—</p> <p>(a) car tax on it is remitted or repaid under section 7(1) or (2), or a waiver is made under section 7(3), of the Car Tax Act 1983(34); or</p> <p>(b) its supply is zero rated under regulation 56 or 57 of the Value Added Tax (General) Regulations 1985(35).</p> | The regulations in Part II insofar as they relate to construction and equipment, except regulations 6, 7, 9, and 49. Regulations 79 to 85. |
| 4 | A vehicle in the service of a visiting force or of a headquarters. | The regulations in Part II insofar as they relate to construction and equipment, except regulations 21 (insofar as it concerns parking brakes), 62, 74. Regulations 79 to 91 and 108. |
| 5 | A vehicle which has been submitted for a test or an examination under Articles 61, 75 and 76 of the Road Traffic (Northern Ireland) Order 1995, while it is being used on a road in connection with the carrying out of that test or examination and is being so used by a person who is empowered under that Article to carry out that test or examination, or by a person acting under | The regulations in Part II. Regulations 87 to 91 and 115. |

(33) Treaty Series, No. 11 (1930)

(34) 1983 c. 53

(35) S. I. 1985/886

| (1) <i>Item</i> | (2) <i>Class of vehicle</i> | (3) <i>Regulations which do not apply</i> |
|--------------------|--|---|
| 6 | <p>the direction of a person so empowered.</p> <p>A motor car or a motor cycle in respect of which a certificate has been issued by the Officer in Charge of the National Collections of Road Transport, the Science Museum, London SW7, that it was designed before 1st January 1905 and constructed before 31st December 1905.</p> | <p>Regulations 21 (except insofar as it applies requirements 3 and 6 in the Table in Schedule 2), 44(4), 76 and 114(4).</p> |
| 7 | <p>(a) (a) A towing implement which is being drawn by a motor vehicle while it is not attached to any vehicle except the one drawing it if —</p> <p>(i) the towing implement is not being so drawn during the hours of darkness, and</p> <p>(ii) the vehicle by which it is being so drawn is not driven at a speed exceeding 20 mph; or</p> <p>(b) a vehicle which is being drawn by a motor vehicle in the exercise of a statutory power of removal.</p> | <p>The regulations in Part II insofar as they relate to the construction and equipment of trailers, except regulation 26.</p> |

(5) Any reference to a broken down vehicle includes a reference to any towing implement which is being used for the drawing of such a vehicle.

Trade Descriptions Act 1968

4. Any provision of these Regulations which requires a vehicle or any of its parts or equipment to be marked with a specification number or the registered certification trade mark of the British

Standards Institution or with an approval mark, or which provides that such a marking is treated as evidence of compliance with a standard to which the marking relates, shall not be taken to authorise any person to apply any such marking to the vehicle, part or equipment in contravention of the Trade Descriptions Act 1968(36).

Compliance with Community Directives and ECE Regulations

5.—(1) For the purpose of any regulation which requires or permits a vehicle to comply with the requirements of a Community Directive or an ECE Regulation, a vehicle shall be deemed so to have complied at the date of its first use only if—

- (a) one of the certificates referred to in paragraph (2) has been issued in relation to it;
 - (b) the marking referred to in paragraph (3) has been applied; or it was, before it was used on a road, subject to a relevant type approval requirement as specified in paragraph (4).
- (2) The certificates mentioned in paragraph (1) are—
- (a) a type approval certificate issued by the Department under regulation 4 of the Type Approval Regulations;
 - (b) a certificate of conformity issued by the manufacturer of the vehicle under regulation 7 of those Regulations; or
 - (c) a certificate issued under a provision of the law of any member state of the European Economic Community which corresponds to the said regulations 5 or 7,

being in each case a certificate issued by reason of the vehicle's conforming to the requirements of the Community Directive in question.

(3) The marking mentioned in paragraph (1)(b) is a marking designated as an approval mark by regulation 4 of the Approval Marks Regulations, being in each case a mark shown in column (2) of an item in Schedule 2 to those Regulations which refers, in column (5), to the ECE Regulation in question, applied as indicated in column (4) in that item.

(4) A relevant type approval requirement is a requirement of the Northern Ireland Regulations which appear—

- (a) in column 4 of Table I of Schedule 1 in the item in which the Community Directive in question appears in column 3, or
- (b) in column 4 of Table II of Schedule 1 in the item in which the ECE Regulation in question appears in column 3.