
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 454

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

Part II

Construction, Equipment and Maintenance of Vehicles

K —

Control of Emissions

Silencers — general

65.—(1) Subject to paragraph (3) a vehicle propelled by an internal combustion engine shall be fitted with an exhaust system including a silencer and the exhaust gases from the engine shall not escape into the atmosphere without first passing through the silencer.

(2) Exhaust systems and silencers shall be maintained in good and efficient working order and shall not after the date of manufacture be altered so as to increase the noise made by the escape of exhaust gases.

(3) Instead of complying with paragraph (1) a vehicle may comply with Community Directive 77/212, 81/334, 84/372, 84/424 or 92/97 or ECE Regulation 51.02 or, in the case of a motor cycle other than a moped, 78/1015, 87/56 or 89/235.

(4) In this regulation “moped” has the meaning given to it in paragraph 7 of Schedule 12.

Noise limits — certain vehicles with 3 or more wheels — general

66.—(1) Subject to paragraph (2) and (3) and regulation 72, this regulation applies to every wheeled motor vehicle having at least three wheels and first used on or after 1st October 1983 which is—

- (a) a vehicle, not falling within sub-paragraph (b) or (c), with or without bodywork;
- (b) a vehicle not falling within sub-paragraph (c) which is—
 - (i) engineering plant;
 - (ii) a locomotive other than an agricultural motor vehicle;
 - (iii) a motor tractor other than an industrial tractor or an agricultural motor vehicle;
 - (iv) a public works vehicle;
 - (v) a works truck; or
 - (vi) a refuse vehicle; or
- (c) a vehicle which—
 - (i) has a compression ignition engine;

- (ii) is so constructed or adapted that the driving power of the engine is, or by appropriate use of the controls can be, transmitted to all wheels of the vehicle; and
- (iii) falls within category I.1.1., I.1.2., or I.1.3. specified in Article 1 of Community Directive 77/212.

(2) This regulation does not apply to a vehicle to which an item in the Table in regulation 67 applies.

(3) This regulation does not apply to—

- (a) a motor cycle with a sidecar attached;
- (b) an agricultural motor vehicle which is first used before 1st June 1986 or which is not driven at more than 20 mph;
- (c) an industrial tractor;
- (d) a road roller;
- (e) a vehicle specially constructed, and not merely adapted, for the purposes of fighting fires, or salvage from fires, at or in the vicinity of airports and having an engine power exceeding 220 kw;
- (f) a vehicle which runs on rails; or
- (g) a vehicle manufactured by Leyland Vehicles Ltd. and known as the Atlantean Bus, if first used before 1st October 1984.

(4) Subject to paragraphs (5) and (6), a vehicle to which this paragraph applies shall be so constructed that it complies with the requirements set out in item 1, 2, 3 or 4 of the Table. A vehicle complies with those requirements if—

- (a) its sound level does not exceed the relevant limit specified in column 2(a), (b) or (c), as the case may be, in the relevant item when measured under the conditions specified in column 3 in that item and by the method specified in column 4 using the apparatus prescribed in paragraph (7); and
- (b) in the case of a vehicle referred to in paragraph (1)(a) (other than one having less than four wheels or a maximum speed not exceeding 25 km/h) or (1)(c), the device designed to reduce the exhaust noise meets the requirements specified in column 5 in that item.

(5) Subject to paragraph (6), paragraph (4) applies to a vehicle to which this regulation applies and which is first used on or after 1st April 1990, unless it is equipped with 5 or more forward gears and has a maximum power to maximum gross weight ratio not less than 75 kw per 1000 kg, and is of a type in respect of which a type approval certificate has been issued under the Northern Ireland Regulations as if, for the reference to item 1, 2, 3 or 4 of the Table there were substituted a reference to item 4 of the Table.

(6) Paragraph (5) does not apply to a vehicle in category 5.2.2.1.3. as defined in Annex I to Directive 84/424 and equipped with a compression ignition engine, a vehicle in category 5.2.2.1.4. as defined in that Annex, or a vehicle referred to in paragraph (1)(b) unless it is first used on or after 1st April 1991.

(7) The apparatus prescribed for the purposes of paragraph (4)(a) and regulation 68(2)(a) and Schedule 9 is a sound level meter of the type described in Publication No. 179 of the International Electrotechnical Commission, in either its first or second edition, a sound level meter complying with the specification for Type O or Type 1 in Publication No. 651 (1979) “Sound Level Meters” of the International Electrotechnical Commission, or a sound level meter complying with the specifications of the British Standard Number BS 5969: 1981 which came into effect on 29th May 1981.

(8) A vehicle shall be deemed to satisfy the requirements of this regulation if it is so constructed that it complies with the requirements specified in column 4 of item 2 in the Table in regulation 67 as they apply to a vehicle first used on the date specified in column 3 of that item.

(9) Instead of complying with the preceding provisions of this regulation a vehicle may comply at the time of its first use with Community Directive 77/212, or 81/334, or 84/372, or 84/424, or 92/97, or 96/20 or ECE Regulation 51.02.

TABLE

(regulation 66(4))

(1)	(2)	(3)	(4)	(5)		
<i>Item</i>	<i>Limits of sound level</i>			<i>Conditions of measurement</i>	<i>Method of measurement</i>	<i>Requirements for exhaust device</i>
	<i>(a) Vehicle referred to in sub-paragraph (1)(a)</i>	<i>(b) Vehicle referred to in sub-paragraph (1)(b)</i>	<i>(c) Vehicle referred to in sub-paragraph (1)(c)</i>			
1.	Limits specified in paragraph 1.1 of the Annex to Community Directive 77/212	89dB(A)	82dB(A)	Conditions specified in paragraph 1.3 of the Annex to Community Directive 77/212	Method specified in paragraph 1.4.1 of the Annex to Community Directive 77/212	Requirements specified in heading II of the Annex to Community Directive 77/212 (except paragraphs 11.2 and 11.5)
2.	Limits specified in paragraph 5.2.2.1 of Annex I to Community Directive 81/334	89dB(A)	82dB(A)	Conditions specified in paragraph 5.2.2.3 of Annex I to Community Directive 81/334	Method specified in paragraph 5.2.2.4 of Annex I to Community Directive 81/334. Interpretation of results as specified in paragraph 5.2.2.5 of that Annex	Requirements specified in section 3 and paragraphs 5.1 and 5.3.1 of Annex I to Community Directive 81/334
3.	Limits specified in paragraph 5.2.2.1 of Annex I to Community Directive 84/372	89dB(A)	82dB(A)	Conditions specified in paragraph 5.2.2.3 of Annex I to Community Directive 84/372	Method specified in paragraph 5.2.2.4 of Annex I to Community Directive 84/372, except that vehicles with 5	Requirements specified in section 3 and paragraphs 5.1 and 5.3.1 of Annex I to Community Directive 84/372.

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(1)	(2)			(3)	(4)	(5)
Item	<i>Limits of sound level</i>			<i>Conditions of measurement</i>	<i>Method of measurement</i>	<i>Requirements for exhaust device</i>
	<i>(a) Vehicle referred to in sub-paragraph (1)(a)</i>	<i>(b) Vehicle referred to in sub-paragraph (1)(b)</i>	<i>(c) Vehicle referred to in sub-paragraph (1)(c)</i>			
4.	Limits specified in paragraph 5.2.2.1 of Annex I to Community Directive 84/424	Vehicles with engine power— (i) less than 75 kw — 84dB(A) (ii) not less than 75 kw — 86dB(A)	Limits specified in paragraph 5.2.2.1 of Annex I to Community Directive 84/424	Conditions specified in paragraph 5.2.2.3 of Annex I to Community Directive 84/424	Method specified in paragraph 5.2.2.4 of Annex I to Community Directive 84/424, except that vehicles with 5 or more forward gears and a maximum power to maximum gross weight ratio not less than 75 kw per 1,000 kg may be tested in 3rd gear only.	Requirements specified in section 3 and paragraphs 5.1 and 5.3.1 of Annex I to Community Directive 84/424.

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(1)	(2)	(3)	(4)	(5)	
<i>Item</i>	<i>Limits of sound level</i> <i>(a) Vehicle referred to in sub-paragraph (1)</i> <i>(a)</i>	<i>(b) Vehicle referred to in sub-paragraph (1)</i> <i>(b)</i>	<i>(c) Vehicle referred to in sub-paragraph (1)</i> <i>(c)</i>	<i>Conditions of measurement</i>	<i>Method of measurement for exhaust device</i> <i>Interpretation of results as specified in paragraph 5.2.2.5 of that Annex</i>

Noise limits — certain vehicles first used on or after 28th June 1999 — general

67.—(1) A motor vehicle to which an item in the Table applies shall be so constructed that it meets the requirements specified in column 4 of that item; and an item in that Table applies to a vehicle if it is of the description specified in column 2 of that item.

This paragraph has effect subject to the following provisions of this regulation, regulation 72 and Schedule 8.

TABLE

(1)	(2)	(3)	(4)	(5)
<i>Item</i>	<i>Vehicles to which the item applies</i>	<i>Earliest date of first use (see column 2)</i>	<i>The requirements</i>	<i>Modification of Community Directives in relation to special vehicles (see paragraph (4)(c))</i>
1.	<p>1. All motor vehicles with less than 4 wheels and first used on or after the date specified in column 3 of this item.</p> <p>2. All special vehicles first used on or after the date specified in column 3 of this item.</p> <p>3. All motor vehicles first used on or after the date specified in</p>	28.6.99	<p>The requirements of—</p> <p>(a) regulation 66 as they would apply to the vehicle but for paragraph (2) of that regulation; or</p> <p>(b) paragraphs 3 and 5.2 of Annex I to Community Directive 92/97 or 96/20.</p>	<p>For paragraph 5.2.2.1 of Annex I, substitute—</p> <p>“The sound level measured in accordance with 5.2.2.2 to 5.2.2.5 of this Annex shall not exceed—</p> <p>(a) in the case of vehicles with engine power of less than 75 kw, 84dB(A);</p> <p>(b) in the case of vehicles with engine</p>

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(1) <i>Item</i>	(2) <i>Vehicles to which the item applies</i>	(3) <i>Earliest date of first use (see column 2)</i>	(4) <i>The requirements</i>	(5) <i>Modification of Community Directives in relation to special vehicles (see paragraph (4) (c))</i>
	column 3 of this item with a maximum speed not exceeding 25 km/h.			power not less than 75kw, 86 dB(A).”.
2.	All motor vehicles first used on or after the date specified in column 3 of this item, not being a vehicle to which item 1 applies.	28.6.99	The requirements of paragraphs 3 and 5 of Annex I to Community Directive 92/97 or 96/20.	

(2) Paragraph (1) does not apply to—

- (a) a vehicle with less than 3 wheels; or
- (b) a vehicle of a description mentioned in regulation 66(2).

(3) In this regulation, “special vehicle” means a vehicle which is—

- (a) engineering plant;
- (b) a locomotive other than an agricultural motor vehicle;
- (c) a motor tractor other than an industrial tractor or an agricultural motor vehicle;
- (d) a public works vehicle; or
- (e) a works truck.

(4) For the purposes of this regulation—

- (a) subject to sub-paragraphs (c), (d) and (e), the Community Directives referred to in this regulation shall have effect in relation to a vehicle that is not a “vehicle” within the meaning of the Framework Directive but is of a class of a description specified in column 2 of an item in the Table in regulation 20 (whether or not regulation 20 applies to the vehicle) as it has effect in relation to a vehicle of a category specified in column 3 of that item;
- (b) subject to sub-paragraphs (c), (d) and (e), a vehicle that does not fall within sub-paragraph (a) and is not a “vehicle” within the meaning of the Framework Directive shall be regarded as meeting the requirements of paragraph 5.2 of Annex I to Community Directive 92/97 or 96/20 in item 1 of the Table or paragraph 5 of Annex I to those Directives in item 2 of the Table if it meets—
 - (i) the requirements of that paragraph as it applies to a vehicle in category M₁ or N₁ within the meaning of the Community Directive; or
 - (ii) the requirements of that paragraph as it applies to a vehicle that is not in either of those categories;

- (c) subject to sub-paragraphs (d) and (e), in relation to a special vehicle the Community Directives mentioned in column 4 of an item in the Table shall have effect with the modifications (if any) specified in column 5 of the item;
 - (d) a requirement in paragraph 5.2.2.1 of Annex I to Community Directive 92/97 for a sound level not to exceed a specified limit in specified circumstances shall be read as a requirement for the sound level not to exceed that limit by more than the amount mentioned in paragraph 4.1 of Annex V to the Community Directive in those circumstances;
 - (e) a requirement in paragraph 5.2.2.1 of Annex I to Community Directive 96/20 for a sound level not to exceed a specified limit in specified circumstances shall be read as a requirement for the sound level not to exceed that limit by more than the amount mentioned in paragraph 4.1 of Annex III to the Directive in those circumstances.
- (5) Instead of complying with paragraph (1) a vehicle may comply at the time of its first use—
- (a) in the case of a vehicle to which item 1 of the Table applies, with Community Directive 77/212, 81/334, 84/424, 92/97 or 96/20 or ECE Regulation 51.02; or
 - (b) in the case of a vehicle to which item 2 of the Table applies, with Community Directive 92/97 or 96/20 or ECE Regulation 51.02.

Noise limits — agricultural motor vehicles and industrial tractors

68.—(1) Subject to regulation 72, this regulation applies to every wheeled vehicle first used on or after 1st April 1983 being an agricultural motor vehicle or an industrial tractor, other than—

- (a) an agricultural motor vehicle which is first used on or after 1st June 1986 and which is driven at more than 20 mph; or
 - (b) a road roller.
- (2) A vehicle to which this regulation applies shall be so constructed—
- (a) that its sound level does not exceed—
 - (i) if it is a vehicle with engine power of less than 65 kw, 89dB(A);
 - (ii) if it is a vehicle with engine power of 65 kw or more, and first used before 1st October 1991, 92dB(A); or
 - (iii) if it is a vehicle with engine power of 65 kw or more, and first used on or after 1st October 1991, 89dB(A),when measured under the conditions specified in paragraph 1.3 of Annex VI to Community Directive 74/151 by the method specified in paragraph 1.4.1 of that Annex using the apparatus prescribed in regulation 66(7); and
 - (b) that the device designed to reduce the exhaust noise meets the requirements specified in paragraph II.1 of that Annex and, if fibrous absorbent material is used, the requirements specified in paragraphs II.4.1 to II.4.3 of that Annex.

Noise limits — construction requirements relating to motor cycles

69.—(1) Subject to regulation 72, this regulation applies to every motor vehicle first used on or after 1st April 1983 which is—

- (a) a moped; or
 - (b) a two-wheeled motor cycle, whether or not with sidecar attached, which is not a moped.
- (2) A vehicle to which this regulation applies shall be so constructed that it meets—
- (a) if it is first used before 1st April 1991, the requirements of item 1 or 2 of the Table in Part I of Schedule 9;

- (b) if it is first used on or after that date, the requirements of item 2 of that Table.
- (3) Instead of complying with paragraph (2), a vehicle first used before 1st April 1991 may comply at the time of its first use with Community Directive 78/1015, 87/56 or 89/235.
- (4) Instead of complying with paragraph (2) a vehicle first used on or after 1st April 1991 may comply at the time of its first use with Community Directive 87/56 or 89/235.
- (5) In this regulation “moped” has the meaning given to it in paragraph 7 of Schedule 12.

Exhaust systems — motor cycles

70.—(1) Subject to regulation 71, any original silencer forming part of the exhaust system of a vehicle to which regulation 69 applies, being a vehicle first used before 1st February 1996, shall be so constructed that—

- (a) the vehicle meets the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 78/1015 and be marked in accordance with sub-paragraph 3.3 of that Annex; or
- (b) the vehicle meets the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 89/235 and be marked in accordance with sub-paragraph 3.3 of that Annex.

(2) Any original silencer forming part of the exhaust system of a vehicle to which regulation 69 applies, being a vehicle first used on or after 1st February 1996, shall be so constructed that the vehicle meets the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 89/235 and be marked in accordance with sub-paragraph 3.3 of that Annex.

(3) A vehicle fitted with an original silencer may—

- (a) if the vehicle is first used before 1st February 1996, instead of complying with paragraph (1), comply at the time of first use with Community Directive 78/105, 87/56 or 89/235; or
- (b) if the vehicle is first used on or after that date, instead of complying with paragraph (2), comply at the time of first use with Community Directive 89/235.

(4) Where any replacement silencer forms part of the exhaust system of a vehicle to which regulation 69 applies, being a vehicle first used on or after 1st January 1985, the first requirement or the second requirement must be met in respect of the silencer.

(5) In order for the first requirement to be met in respect of a silencer forming part of the exhaust system of a vehicle (in this paragraph referred to as “the vehicle in question”)—

- (a) if the vehicle in question is first used before 1st April 1991, the silencer must be so constructed that, were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet—
 - (i) the requirements of item 1 or 3 of the Table in Schedule 9, and
 - (ii) the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 78/1015 or 89/235;
 and the silencer must be marked in accordance with sub-paragraph 3.3 of that Annex;
- (b) if the vehicle in question is first used on or after 1st April 1991, but before 1st February 1996, the silencer must be so constructed that, were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet—
 - (i) the requirements of item 3 of the Table in Part I of Schedule 9; and
 - (ii) the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 78/1015 or 89/235;

- and the silencer must be marked in accordance with sub-paragraph 3.3 of that Annex;
- (c) if the vehicle in question is first used on or after 1st February 1996, the silencer must be so constructed that, were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet—
- (i) the requirements of item 3 of the Table in Part I of Schedule 9; and
 - (ii) the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 89/235;
- and the silencer must be marked in accordance with sub-paragraph 3.3 of that Annex.
- (6) In order for the second requirement to be met in respect of a silencer forming part of the exhaust system of a vehicle (in Part II of Schedule 9 referred to as “the vehicle in question”),—
- (a) if the vehicle is first used before 1st April 1991, the silencer must meet the requirements of paragraph 1, 2 or 3 of Part II of Schedule 9; or
 - (b) if the vehicle is first used on or after that date, the silencer must meet the requirements of paragraph 3 of Part II of Schedule 9.
- (7) Any requirements specified in paragraph (5) or in Part II of Schedule 9 relating to the silencer as fitted to an unused vehicle of the same model as the vehicle in question (as defined in that paragraph or in paragraph (6) for the purposes of that Part, as the case may be) shall be deemed to be met if they are met by the silencer as fitted to the vehicle in question at the time that it is first fitted.
- (8) For the purposes of this regulation, Community Directive 89/235 shall have effect as if—
- (a) in Annex I, for sub-paragraph 3.4.1, there were substituted—
 - “(3.4.1) After removal of the fibrous material, the vehicle must meet the relevant requirements.”; andfor sub-paragraph 3.4.3, there were substituted—
 - “(3.4.3) After the exhaust system has been put into a normal state for road use by one of the following conditioning methods, the vehicle must meet the relevant requirements.”;
 - (b) references in Annex I as so modified to a vehicle meeting the relevant requirements were, —
 - (i) in relation to an original silencer, references to a vehicle meeting the requirements of item 2 of the Table in Part I of Schedule 9; and
 - (ii) in relation to a replacement silencer, references to a vehicle meeting the requirements of item 3 of that Table; and
 - (c) in Annex II there were omitted sub-paragraphs 3.1.2, 3.4 and 3.5 and in sub-paragraph 3.2—
 - (i) the words “and the name referred to in 3.1.2”, and
 - (ii) the words after “legible”.
- (9) For the purposes of paragraphs (1)(b) and (2) in their application to vehicles with a design speed not exceeding 50 km/h, Community Directive 89/235 EEC shall have effect as if it were not only modified in accordance with paragraph (8) but were further modified by the omission of—
- (a) sub-paragraph 3.1.3 of Annex II; and
 - (b) in sub-paragraph 3.2 of that Annex, the words “and 3.1.3.”
- (10) In relation to a replacement silencer which is—
- (a) fitted to a vehicle before 1st February 1997; and
 - (b) clearly and indelibly marked with the name or trade mark of the manufacturer of the silencer and with that manufacturer’s part number relating to it,

paragraphs (5) and (6) of this regulation and Parts II and III of Schedule 9 shall have effect as if they contained no reference to a silencer being marked.

(11) For the purposes of this regulation, a silencer forming part of the exhaust system of a vehicle shall not be regarded as being marked in accordance with sub-paragraph 3.3 of Annex I to Community Directive 78/1015 or 89/235, paragraph (10) of this regulation or any paragraph of Part II of Schedule 9 if the marking is so obscured by any part of the vehicle that it cannot easily be read.

(12) Part III of Schedule 9 shall have effect for the purpose of exempting certain silencers from the provisions of paragraph (4).

(13) No person shall use a motor cycle on a road or cause or permit such a vehicle to be so used if any part of the exhaust system has been indelibly marked by the manufacturer of that part with the words “NOT FOR ROAD USE” or words to that effect.

(14) In this regulation—

“original silencer”, in relation to a vehicle, means a silencer which was fitted to the vehicle when it was manufactured;

“replacement silencer”, in relation to a vehicle, means a silencer fitted to the vehicle, not being an original silencer; and

“trade mark” has the same meaning as in the Trade Marks Act 1994(1).

Noise limits — maintenance requirements relating to motor cycles

71.—(1) Subject to regulation 72, no person shall use or cause or permit to be used on a road a motor cycle to which regulation 69 applies if the three conditions specified below are all fulfilled.

(2) The first condition is fulfilled if the vehicle does not meet the noise limit requirements.

(3) The second condition is fulfilled if—

(a) any part of the vehicle is not in good and efficient working order, or

(b) the vehicle has been altered.

(4) The third condition is fulfilled if the noise made by the vehicle would have been materially less (so far as applicable)—

(a) were all parts of the vehicle in good and efficient working order, or

(b) had the vehicle not been altered.

(5) For the purposes of this regulation, a vehicle meets the noise limit requirements if—

(a) in the case of a vehicle first used before 1st April 1991 and not fitted with a replacement silencer, it meets the requirements of item 1 or 2 of the Table in Part I of Schedule 9;

(b) in the case of a vehicle first used before 1st April 1991 and fitted with a replacement silencer, it meets the requirements of item 1 or 3 of that Table;

(c) in the case of a vehicle first used on or after 1st April 1991 and not fitted with a replacement silencer, it meets the requirements of item 2 of that Table;

(d) in the case of a vehicle first used on or after 1st April 1991 and fitted with a replacement silencer, it meets the requirements of item 3 of that Table.

(6) In this regulation, “replacement silencer” has the same meaning as in regulation 70.

Exception to regulations 66 to 71

72. Regulations 66, 67, 68, 69, 70 and 71 do not apply to a vehicle which is—

- (a) proceeding to a place where, by previous arrangement—
 - (i) noise emitted by it is about to be measured for the purpose of ascertaining whether or not the vehicle complies with such of those provisions as apply to it; or
 - (ii) the vehicle is about to be mechanically adjusted, modified or equipped for the purpose of securing that it so complies; or
- (b) returning from such a place immediately after the noise has been so measured.

Radio interference suppression

- 73.—(1) Subject to paragraphs (3), (4), (5) and (7)—
- (a) every vehicle to which this sub-paragraph applies shall be so constructed that it complies with the requirements of paragraph 6 of Annex I to Community Directive 72/245 or paragraph 6 (as read with paragraph 8) of Annex I to Community Directive 95/54 (whether or not those Community Directives apply to the vehicle); and
 - (b) every agricultural and forestry tractor which is propelled by a spark ignition engine and is first used on or after 1st April 1974 shall be so constructed that it meets the requirements of paragraph 6 of Community Directive 72/245, 75/322 or 95/54.
- (2) Paragraph (1)(a) applies to every wheeled vehicle which is propelled by a spark ignition engine and—
- (a) is first used on or after 1st April 1974 and before 1st January 1996; or
 - (b) is first used on or after 1st January 1996 and is a “vehicle” within the meaning of the Framework Directive.
- (3) For the purposes of paragraph (1)—
- (a) a requirement in paragraph 6.2.2 of Community Directive 72/245 or 75/322 for any description of radiation level not to exceed a specified limit when measured in specified circumstances shall be read as a requirement for that description level not to exceed that limit by more than the amount mentioned in paragraph 9.2 of those Community Directives when measured in those circumstances; and
 - (b) a requirement in paragraph 6.2.2 or 6.3.2 of Community Directive 95/54 for any description of radiation level not to exceed a specified limit when measured in specified circumstances shall be read as a requirement for that description of radiation level not to exceed that limit by more than the amount mentioned in paragraph 7.3.1 of the Community Directive when measured in those circumstances.
- (4) Subject to paragraph (7), on and after 1st October 2002 no person shall use or cause or permit to be used on a road a vehicle—
- (a) in respect of which an EC certificate of conformity has been issued; and
 - (b) which is fitted with any electrical/electronic sub-assembly that was not fitted to the vehicle when the certificate was issued,
- unless the electric/electronic sub-assembly is marked in accordance with the requirements of Community Directive 95/54/EC.
- (5) Instead of complying with paragraph (1)(a) a vehicle may comply at the time of first use with Community Directive 72/245 or 95/54 or ECE Regulation 10 or 10.01.
- (6) Instead of complying with paragraph (1)(b) a vehicle may comply at the time of first use with Community Directive 75/322.

(7) Paragraph (4) shall not apply to a vehicle of a type described in Article 2(6) of Community Directive 95/54/EC(2); and for the purposes of this paragraph “type” has the same meaning as in Article 2(6) of that Directive.

(8) Paragraph (1) does not apply to a vehicle constructed or assembled by a person not ordinarily engaged in the trade or business of manufacturing vehicles of that description.

(9) In this regulation “electrical/electronic sub-assembly” has the same meaning as in Community Directive 95/54.

Emission of smoke, vapour, gases, oily substances etc.

74.—(1) Subject to paragraph (7), a vehicle shall be constructed and maintained so as not to emit avoidable smoke or avoidable visible vapour.

(2) A motor vehicle using solid fuel shall be fitted with—

- (a) a tray or shield to prevent ashes or cinders from falling onto the road; and
- (b) an efficient appliance to prevent any emission of sparks or grit.

(3) Subject to paragraph (7) and to the exemptions specified in an item in column 4 of Table I, wheeled vehicles of a class specified in that item in column 2 shall be constructed so as to comply with the requirements specified in that item in column 3.

(4) A motor vehicle to which an item in Table II applies shall be so constructed as to comply with the requirements relating to conformity of production models set out in the provisions specified in that item in column (4) of that Table.

(5) Instead of complying with paragraph (1) a vehicle may comply with a relevant instrument.

(6) Instead of complying with such provisions of items 1, 2 and 3 in Table I as apply to it, a vehicle may at the time of its first use comply with a relevant instrument.

(7) For the purposes of paragraphs (5) and (6), a reference to a vehicle complying with a relevant instrument is a reference to a vehicle complying—

- (a) if it is propelled by a compression ignition engine, with Community Directive 72/306 (or, in the case of an agricultural vehicle, 77/537) or ECE Regulation 24.01, 24.02 or 24.03; or
- (b) if it is propelled by a spark ignition engine, with any instrument mentioned in column (4) (a) of Table II.

(8) In relation to a vehicle which—

- (a) has an engine the cylinder capacity of which is less than 700 cc and has a rated power speed of more than 3,000 revolutions per minute;
- (b) is first used before 1st October 1998,

Community Directive 91/542 shall have effect for the purposes of this regulation as if for the figure “0.15” in the Table in paragraph 6.2.1 and 8.3.1.1 there were substituted “0.25”.

For the purposes of this paragraph, “rated power speed” has the same meaning as in Community Directive 96/1.

(9) A person shall not use, or cause or permit to be used, on a road a motor vehicle—

- (a) from which smoke, visible vapour, grit, sparks, ashes, cinders or oily substance is emitted if that emission causes, or is likely to cause, damage to property or injury or danger to a person who is, or who may reasonably be expected to be, on the road;
- (b) which is subject to the requirement in item 2 of Table I (whether or not it is deemed to comply with that requirement by virtue of paragraph (7)) if the fuel injection equipment,

the engine speed governor or any other parts of the engine by which it is propelled have been altered or adjusted so as to increase the emission of smoke; or

- (c) which is subject to the requirement in item 1 of Table I if the device mentioned in column 2 in that item is used while the vehicle is in motion.

(10) A person shall not use, or cause or permit to be used, on a road a motor vehicle to which item 3 of Table I applies unless it is so maintained that the means specified in column 3 of that item are in good working order.

(11) Subject to paragraphs (12), (13) and (14), no person shall use, or cause or permit to be used, on a road a motor vehicle to which an item in Table II applies if, in relation to the emission of the substances specified in column (6) of the item, the vehicle does not comply with the requirements relating to conformity of production models specified in column (4) unless the following conditions are satisfied in respect to it—

- (a) the failure to meet those requirements in relation to the emission of those substances does not result from an alteration to the propulsion unit or exhaust system of the vehicle,
- (b) neither would those requirements be met in relation to the emission of those substances nor would such emissions be materially reduced if maintenance work of a kind which would fall within the scope of a normal periodic service of the vehicle were to be carried out on the vehicle, and
- (c) the failure to meet those requirements in relation to such emissions does not result from any device designed to control the emission of carbon monoxide, hydrocarbons, oxides of nitrogen or particulates fitted to the vehicle being other than in good and efficient working order.

(12) Paragraph (11) shall not apply to a vehicle first used before 26th June 1990.

(13) Where—

- (a) a vehicle is fitted with a device of the kind referred to in sub-paragraph (c) of paragraph (11),
- (b) the vehicle does not comply with the requirements specified in that paragraph in respect to it, and
- (c) the conditions specified in sub-paragraphs (a) and (b) of that paragraph are satisfied in respect to the vehicle, nothing in paragraph (11) shall prevent the vehicle being driven to a place where the device is to be repaired or replaced.

(14) Where a vehicle is constructed or assembled by a person not ordinarily engaged in the business of manufacturing motor vehicles of that description, the date on which it is first used shall, for the purposes of paragraphs (4), (11), (12) and (13), be regarded as being the 1st January immediately preceding the date of manufacture of the engine by which it is propelled.

However, the date on which a vehicle is first used shall not, by virtue of the foregoing provisions of this paragraph, be regarded in any circumstances as being later than the date on which it would otherwise have been regarded as being first used had those provisions been omitted.

(15) Without prejudice to paragraphs (1) and (11) and subject to the following provisions of this regulation, no person shall use, or cause or permit to be used on a road, a vehicle first used on or after 1st August 1975 and propelled by a four-stroke spark ignition engine, if the vehicle is in such a condition and running on such fuel that—

- (a) when the engine is idling the carbon monoxide content of the exhaust emissions from the engine exceeds—
 - (i) in the case of a vehicle first used before 1st August 1986, 4.5%; or
 - (ii) in the case of a vehicle first used on or after 1st August 1986, 3.5%;

of the total exhaust emissions from the engine by volume; and

- (b) when the engine is running without load at a rotational speed of 2,000 revolutions per minute, the hydrocarbon content of those emissions exceeds 0.12% of the total exhaust emissions from the engine by volume.

(16) Without prejudice to paragraphs (1) and (11) and subject to the following provisions of this regulation, no person shall use, or cause or permit to be used on a road, a vehicle to which this paragraph applies and which is propelled by a spark ignition engine, if the vehicle is in such a condition and running on such fuel that Part I of Schedule 10 applies to the vehicle.

(17) Subject to paragraph (20), paragraph (16) applies to—

- (a) a passenger car which—
 - (i) is first used on or after 1st August 1992 and before 1st August 1994, and
 - (ii) is of a description mentioned in the Annex to the emissions publication;
- (b) a vehicle which—
 - (i) is not a passenger car,
 - (ii) is first used on or after 1st August 1994, and
 - (iii) is of a description mentioned in the Annex to the emissions publication; or
- (c) a passenger car which is first used on or after 1st August 1994,

and in this paragraph, “emissions publication” has the meaning given in Part I of Schedule 10.

(18) Paragraph (15) does not apply to —

- (a) a vehicle to which paragraph (16) applies; or
- (b) a vehicle if, at the date the engine was manufactured, that engine was incapable of meeting the requirements specified in that paragraph.

(19) Paragraph (16) does not apply to a vehicle if, at the date that engine was manufactured, that engine was incapable of meeting the requirements specified in that paragraph.

(20) Paragraphs (15) and (16) do not apply to—

- (a) a vehicle being driven to a place where it is to undergo repairs;
- (b) a vehicle which was constructed or assembled by a person not ordinarily engaged in the business of manufacturing motor vehicles of that description;
- (c) an exempt vehicle within the meaning given by paragraph (26)(a);
- (d) a goods vehicle with a maximum gross weight exceeding 3,500 kg;
- (e) engineering plant, an industrial tractor, or a works truck;
- (f) a vehicle first used before 1st August 1987 if the engine is a rotary piston engine; and for the purposes of this paragraph “the engine” in relation to a vehicle, means the engine by which it is propelled.

(21) Without prejudice to paragraphs (1) and (11), no person shall use, or cause or permit to be used on a road, a vehicle propelled by a compression ignition engine, if the vehicle is in such a condition and running on such fuel that Part II of Schedule 10 applies to the vehicle.

(22) Paragraph (21) shall not apply to—

- (a) a vehicle if, at the date that the engine was manufactured, that engine was incapable of meeting the requirements specified in that paragraph;
- (b) a vehicle being driven to a place where it is to undergo repairs;
- (c) an exempt vehicle within the meaning given by paragraph (26)(a);
- (d) engineering plant, an industrial tractor or a works truck; and

- (e)
 - (i) a goods vehicle of which the design gross weight is more than 3,000 kg but does not exceed 3,500 kg;
 - (ii) a small bus, constructed or adapted to carry more than 12 seated passengers, used under a permit granted under section 10B of the Transport Act (Northern Ireland) 1967⁽³⁾; and
 - (iii) a vehicle in Class III, IV or V within the meaning of the Motor Vehicle Testing Regulations (Northern Ireland) 1995⁽⁴⁾,
and first used before 1st August 1979.
- (23) For the purposes of this regulation—
 - (a) any rotary piston engine shall be deemed to be a four-stroke engine; and
 - (b) “rotary piston engine” means an engine in which the torque is provided by means of one or more rotary pistons and not by any reciprocating piston.
- (24) Subject to Schedule 8, in this regulation, a reference to a vehicle to which an item in Table II applies is a reference to a vehicle which—
 - (a) is of a class specified in that item in column (2) of that Table,
 - (b) is first used on or after the date specified in that item in column (3) of that Table, and
 - (c) is not exempted by the entry in that item in column (5) of that Table and for the purposes of determining whether a vehicle is a vehicle to which any item numbered 8 or more in that Table applies, regulation 3(2) shall be disregarded.
- (25) In this regulation, “passenger car” means a motor vehicle which—
 - (a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle;
 - (b) has no more than five seats in addition to the driver’s seat; and
 - (c) has a maximum gross weight not exceeding 2,500 kg.
- (26) In Table II—
 - (a) “exempt vehicle” means—
 - (i) a vehicle with less than 4 wheels,
 - (ii) a vehicle with a maximum gross weight of less than 400 kg,
 - (iii) a vehicle with a maximum speed of less than 25 km/h, or
 - (iv) an agricultural motor vehicle;
 - (b) “direct injection” means a fuel injection system in which the injector communicates with an open combustion chamber or the main part of a divided combustion chamber;
 - (c) “indirect injection” means a fuel injection system in which the injector communicates with the subsidiary part of a divided combustion chamber;
 - (d) a reference in column (5) to a vehicle complying with an item is reference to a vehicle that complies with the provisions specified in that item in column (4) whether the vehicle is or is not within the class of vehicles to which that item applies and any instrument mentioned in that item shall for the purposes of the reference have effect as if it applied to the vehicle in question (whether it would otherwise have done so or not).

TABLE I

(regulation 74(3))

⁽³⁾ 1967 c. 37 (N.I.); section 10B was inserted by S.I. 1990/994 (N.I. 7), Article 3

⁽⁴⁾ S.R. 1995 No. 448 as amended by S.R. 1996 No. 140, S.R. 1998 No. 74 and S.R. 1999 No. 78

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(1) <i>Item</i>	(2) <i>Class of vehicle</i>	(3) <i>Requirements</i>	(4) <i>Exemptions</i>
1.	Vehicles propelled by a compression ignition engine and equipped with a device designed to facilitate starting the engine by causing it to be supplied with excess fuel.	Provision shall be made to ensure the device cannot readily be operated by a person inside the vehicle.	<p>(a) (a) a works truck;</p> <p>(b) a vehicle on which the device is so designed and maintained that—</p> <p>(i) its use after the engine has started cannot cause the engine to be supplied with excess fuel, or</p> <p>(ii) it does not cause any increase in the smoke or visible vapour emitted from the vehicle.</p>
2.	Vehicles first used on or after 1st April 1973 and propelled by a compression ignition engine.	The engine of the vehicle shall be of a type for which there has been issued by a person authorised by the Secretary of State for the Environment a type test certificate in accordance with the British Standard Specification for the	(a) (a) a vehicle manufactured before 1st April 1973 and propelled by an engine known as the Perkins

(1) <i>Item</i>	(2) <i>Class of vehicle</i>	(3) <i>Requirements</i>	(4) <i>Exemptions</i>
		Performance of Diesel Engines for Road Vehicles published on 19th May 1971 under number BS AU 141a: 1971. In the case of an agricultural motor vehicle (other than one which is first used after 1st June 1986 and is driven at more than 20 mph), an industrial tractor, a works truck or engineering plant, for the purposes of that Specification as to the exhaust gas opacity, measurements shall be made with the engine running at 80% of its full load over the speed range from maximum speed down to the speed at which maximum torque occurs as declared by the manufacturer of the vehicle for those purposes.	6.354 engine; (b) a vehicle propelled by an engine having not more than 2 cylinders and being an agricultural motor vehicle (other than one which is first used on or after 1st June 1986 and which is driven at more than 20 mph), an industrial tractor, a works truck or engineering plant.
3.	Vehicles first used on or after 1st January 1972 and propelled by a spark ignition engine other than a 2-stroke engine.	The engine shall be equipped with means sufficient to ensure that, while the engine is running, any vapours or gases in the engine crank case, or in any other part of the engine to which vapours or gases may pass from that case, are prevented, so far as is reasonably practicable, from escaping into the atmosphere otherwise than through the combustion chamber of the engine.	(a) (a) a two-wheeled motor cycle with or without a sidecar attached; (b) a vehicle to which any item in Table II applies.

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TABLE II

(regulation 74(4), (6), (11), (24) and (26))

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
1.	Vehicles propelled by a spark ignition engine.	1st October 1982.	Community Directive 78/665 or ECE Regulation 15.03.	Annex I, paragraphs 3 and 5. Paragraphs 5, 8 and 11.	<p>(a) A vehicle whose maximum gross weight exceeds 3,500 kg;</p> <p>(b) A vehicle which complies with the requirements of item 2, 4, 5, 8, 11, 12 or 13;</p> <p>(c) A vehicle whose maximum speed is less than 50 km/h;</p>	Carbon dioxide, hydrocarbons and oxides of nitrogen.

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
2.	All vehicles.	1st April 1991.	Community Directive 83/351 or ECE Regulation 15.04.	Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 12.	<p>(d) An exempt vehicle.</p> <p>(a) A carbon vehicle on which carbon dioxide, hydrocarbons and oxides of nitrogen. compression ignition engine and whose maximum gross weight exceeds 3,500 kg;</p> <p>(b) A vehicle which complies with the requirements of item 4, 5, 8, 11, 12 or 13;</p> <p>(c) A vehicle within the meaning</p>	

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(1) <i>Item</i>	(2) <i>Class of Vehicle</i>	(3) <i>Date of First Use</i>	(4) <i>Design, construction and equipment</i>		(5) <i>Vehicles exempted from requirements</i>	(6) <i>Emitted Substances</i>
			(a) <i>Instrument</i>	(b) <i>Place in instrument where requirements are stated</i>		
					given by Article 1 of Community Directive 88/77 and which complies with the requirements of item 6, 9, or 10;	
					(d) An industrial tractor, works truck or engineering plant;	
					(e) A vehicle whose maximum speed is less than 50 km/h;	

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
3.	Industrial tractors, works trucks and engineering plant propelled in each case by a compression ignition engine.	1st April 1993.	ECE Regulation 49.	Paragraphs 5 and 7.	(f) An exempt vehicle. A vehicle which complies with the requirements of item 6, 9, 10, 11, 12 or 13.	Carbon monoxide, hydrocarbons and oxides of nitrogen.
4.	Passenger vehicles which— (a) are constructed or adapted to carry not more than 5 passengers excluding the driver, and (b) have a maximum or gross weight of not more than	1st April 1991.	Community Directive 88/76 or Community Directive 89/458. or ECE Regulation 83.	Annex I, paragraphs 5, 7 and 8. Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13.	(a) A (c) Carbon vehicle which complies with the requirements of item 2, 8, 11, 12 or 13; (b) A vehicle whose maximum speed is less than 50	Carbon monoxide, hydrocarbons and oxides of nitrogen.

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
	2,500 kg, not being off- road vehicles.				km/ h; (c) An exempt vehicle.	
5.	Vehicles which are not of a description specified in this column in item 4 but which— (a) are propelled by a spark ignition engine and have a maximum gross weight of not more than 2,000 kg, or (b) are propelled by a compression ignition engine and have a maximum	1st April 1992 1st April 1991.	Community Directive 88/76 or ECE Regulation 83.	Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13.	(a) A (4) Carbon vehicle, carbon monoxide, with hydrocarbons and oxides of nitrogen. meanings given by Article 1 of Community Directive 88/77 and which complies with the requirements of item 6, 9, 10, 11, 12 or 13; (b) An industrial tractor, works truck or	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
	gross weight of more than 3,500 kg.				engineering plant; (c) A vehicle whose maximum speed is less than 50 km/ h; (d) A vehicle which complies with the requirements of item 8; (e) An exempt vehicle.	
6.	All vehicles propelled by compression ignition engines.	1st April 1991.	Community Directive 88/77 or ECE Regulation 49.01	Annex I, paragraphs 6, 7 and 8. Paragraphs 5, 6 and 7.	(a) A carbon monoxide, hydrocarbons and oxides gross weight is less than 3,500 kg and which complies	

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(1) <i>Item</i>	(2) <i>Class of Vehicle</i>	(3) <i>Date of First Use</i>	(4) <i>Design, construction and equipment</i>	(5) <i>Vehicles exempted from requirements</i>	(6) <i>Emitted Substances</i>
			(a) <i>Instrument</i>	(b) <i>Place in instrument where requirements are stated</i>	
					with the requirements of item 2;
					(b) A vehicle which complies with the requirements of item 4, 5, 8, 9, 10, 11, 12 or 13;
					(c) A fire appliance which is first used before 1st October 1992;
					(d) An industrial tractor, works truck or

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
7.	Passenger vehicles which— (a) are constructed or adapted to carry not more than 5 passengers excluding the driver; (b) have a maximum gross weight of not more than 2,500 kg; and (c) are propelled by a compression ignition engine of the indirect	1st April 1999.	Community Directive 88/436.	Annex I, paragraphs 5, 7 and 8 as far as they relate to particulate emissions.	engineering plant; (e) An exempt vehicle. (a) A (d) particulate vehicle which complies with the requirements of item 8, 11, 12 or 13; (b) A vehicle whose maximum speed is less than 50 km/h; (c) An off-road vehicle; (d) An exempt vehicle.	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
8.	All vehicles. injection type.	31st December 1992.	Community Directive 91/441 or ECE Regulation 83.01.	Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13.	<p>(a) A (A) Carbon vehicle, with hydrocarbons, oxides of nitrogen and particulates. given by Article 1 of Community Directive 88/77 and which—</p> <p>(i) complies with the requirements of item 6 and is first used before 1st October 1993, or</p> <p>(ii) complies with the requirements of item 9,</p>	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
						10, 11, 12 or 13;
					(b) An industrial tractor, works truck or engineering plant;	
					(c) A vehicle whose maximum speed is less than 50 km/ h;	
					(d) An exempt vehicle.	
9.	All vehicles propelled by a compression ignition engine.	1st October 1993.	Community Directive 91/542 or ECE Regulation 49.02.	Annex I, paragraphs 6, 7 and 8 (excluding line B in the Tables in sub- paragraphs 6.2.1 and 8.3.1.1). Paragraphs 5, 6 and 7	(a) A carbon dioxide, hydrocarbons, nitrogen oxides and particulates. (b) Carbon dioxide, hydrocarbons, nitrogen oxides and particulates. (c) Carbon dioxide, hydrocarbons, nitrogen oxides and particulates. (d) Carbon dioxide, hydrocarbons, nitrogen oxides and particulates.	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
				(excluding line B in the Tables in sub-paragraphs 5.2.1 and 7.4.2.1).	or 13; (b) An industrial tractor, works truck or engineering plant; (c) An exempt vehicle.	
10.	All vehicles propelled by a compression ignition engine.	1st October 1996.	Community Directive 91/542 or ECE Regulation 49.02.	Annex I, paragraphs 6, 7 and 8 (excluding line A in the Tables in sub-paragraphs 6.2.1 and 8.3.1.1) Paragraphs 5, 6 and 7 (excluding line A in the Tables in sub-paragraphs 5.2.1 and 7.4.2.1).	(a) A Carbon monoxide, hydrocarbons, nitric oxide and nitrogen compounds. of item 8, 11, 12 or 13; (b) An industrial tractor, works truck or engineering plant; (c) An exempt vehicle.	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
11.	All vehicles.	1st October 1994.	Community Directive 93/59.	Annex I, paragraphs 5, 7 and 8.	<p>(a) A (4) Carbon monoxide, hydrocarbons, the oxides of mean nitrogen and by particulates. Article 1 of Community Directive 88/77 and which complies with the requirements of items 9, 10, 12 or 13;</p> <p>(b) An industrial tractor, works truck or engineering plant;</p> <p>(c) Vehicles whose maximum speed is less than</p>	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
12.	All vehicles.	1st January 1997.	Community Directive 94/12.	Annex I, paragraphs 5, 7 and 8.	<p>50 km/ h;</p> <p>(d) An exempt vehicle.</p> <p>(a) A (d) Carbon vehicle, with carbon oxide, with hydrocarbons, the oxides of mean nitrogen and by particulates. Article 1 of Community Directive 88/77 and which complies with the requirements of items 9, 10, 11 or 13;</p> <p>(b) An industrial tractor, works truck or engineering plant;</p>	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
					(c) Vehicles whose maximum speed is less than 50 km/h;	
					(d) An exempt vehicle.	
13.	All vehicles.	1st October 1997.	Community Directive 96/69.	Annex I, paragraphs 5, 7 and 8.	(a) A (d) Carbon dioxide, hydrocarbons, the oxides of mean nitrogen and by particulates. Article 1 of Community Directive 88/77 and which complies with the requirements of items 9, 10 or 12;	
					(b) A vehicle	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment		(5) Vehicles exempted from requirements	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
					as defined in column 2 of item 14;	
					(c) An industrial tractor;	
					(d) Vehicles whose maximum speed is less than 50 km/ h;	
					(e) An exempt vehicle.	
14.	Vehicles falling within— (a) Class II or III, as specified in the Annex to Community Directive 96/69, of category N ₁ , or	1st October 1998.	Community Directive 96/69.	Annex I, paragraphs 5, 7 and 8.		Carbon monoxide, hydrocarbons, oxides of nitrogen and particulates.

(1) <i>Item</i>	(2) <i>Class of Vehicle</i>	(3) <i>Date of First Use</i>	(4) <i>Design, construction and equipment</i>	(5) <i>Vehicles exempted from requirements</i>	(6) <i>Emitted Substances</i>
			(a) <i>Instrument</i>	(b) <i>Place in instrument where requirements are stated</i>	
	(b) Category M and specified in footnote (2) of that Annex.				
	Note: References to categories M and N ₁ are to those categories as specified in Annex II of the Framework Directive.				

Closets, etc.

75.—(1) A wheeled vehicle first used after 15th January 1931 shall not be equipped with a closet or urinal which can discharge directly on to a road.

(2) A tank, into which a closet or urinal with which a vehicle is equipped empties, and every closet or urinal which does not empty into a tank, shall contain chemicals which are non-inflammable and non-irritant and provide an efficient germicide.

Wings

76.—(1) Subject to paragraph (4), this regulation applies to—

- (a) invalid carriages;
- (b) heavy motor cars, motor cars and motor cycles, not being agricultural motor vehicles or pedestrian-controlled vehicles;
- (c) agricultural motor vehicles driven at more than 20 mph; and
- (d) trailers.

(2) Subject to paragraphs (3) and (5), a vehicle to which this regulation applies, shall be equipped with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of its wheels or tracks unless adequate protection is afforded by the body of the vehicle.

(3) The requirements specified in paragraph (2) apply, in the case of a trailer with more than two wheels, only in respect of the rearmost two wheels.

(4) Those requirements do not apply to—

- (a) a works truck;
- (b) a living van;
- (c) a water cart;
- (d) an agricultural trailer drawn by a motor vehicle which is not driven at a speed in excess of 20 mph;
- (e) an agricultural trailed appliance;
- (f) an agricultural trailed appliance conveyor;
- (g) a broken down vehicle;
- (h) a heavy motor car, motor car or trailer in an unfinished condition which is proceeding to a workshop for completion;
- (i) a trailer used for or in connection with the carriage of round timber and the rear wheels of any heavy motor car or motor car drawing a semi-trailer so used;
- (j) a trailer drawn by a motor vehicle the maximum speed of which is restricted to 20 mph or by virtue of the provisions of the Motor Vehicles (Speed Limits) Regulations (Northern Ireland) 1989(5).

(5) Instead of complying with paragraph (2) a vehicle may comply with Community Directive 78/549.

Spray suppression devices

77.—(1) Subject to paragraph (2), this regulation applies to every wheeled goods vehicle which is—

- (a) a motor vehicle first used on or after 1st April 1986 having a maximum gross weight exceeding 12,000 kg;
- (b) a trailer manufactured on or after 1st May 1985 having a maximum gross weight exceeding 3,500 kg; or
- (c) a trailer, whenever manufactured, having a maximum gross weight exceeding 16,000 kg and two or more axles.

(2) This regulation does not apply to—

- (a) a motor vehicle so constructed that the driving power of its engine is or can by use of its controls be, transmitted to all the wheels on at least one front axle and on at least one rear axle;
- (b) a motor vehicle of which no part which lies within the specified area is less than 400 mm vertically above the ground when the vehicle is standing on reasonably flat ground;
- (c) a works truck;
- (d) a works trailer;
- (e) a broken down vehicle;

- (f) a motor vehicle which has a maximum speed not exceeding 30 mph;
- (g) a vehicle of a kind specified in sub-paragraphs (b) to (h), (j), (k), (o) or (p) of regulation 60(2);
- (h) a vehicle specially designed, and not merely adapted, for the carriage and mixing of liquid concrete; or
- (i) a vehicle which is being driven or towed to a place where by previous arrangement a device is to be fitted so that it complies with the requirements specified in paragraph (4).

(3) This regulation shall not apply to a vehicle fitted with a spray-suppression system in accordance with the requirements of Annex III of Community Directive 91/226 if the spray suppression devices with which the vehicle is equipped are legibly and permanently marked with a designated approval mark.

(4) A vehicle to which this regulation applies and which is of a class specified in an item in column 2 of the Table shall not be used on a road on or after the date specified in column 3 in that item, unless it is fitted in relation to the wheels on each of its axles, with such containment devices as satisfy the technical requirements and other provisions about containment devices specified in the British Standard Specification provided that in the case of a containment device fitted before 1st January 1985 the said requirements shall be deemed to be complied with if that containment device substantially conforms to those requirements.

TABLE

(regulation 77(4))

(1) <i>Item</i>	(2) <i>Class of vehicle</i>	(3) <i>Date</i>
1.	A trailer manufactured before 1st January 1975.	1st April 1990
2.	A trailer manufactured on or after 1st January 1975 but before 1st May 1985	1st October 1990
3.	A trailer manufactured on or after 1st May 1985.	1st April 1990
4.	A motor vehicle	1st April 1990

(5) In this regulation—

“the British Standard Specification” means—

- (a) in relation to a containment device fitted before 1st May 1987, Part 1a of the amended Specification and Part 2 of the original Specification; and
- (b) in relation to a containment device fitted on or after 1st May 1987, Part 1a and Part 2a of the amended Specification;

“designated approval mark” means the marking designated as an approval mark by regulation 5 of the Approval Marks Regulations and shown at item 30 in Schedule 4 to those Regulations;

“the original Specification” means the British Standard Specification for Spray Reducing Devices for Heavy Goods Vehicles published under the reference BS AU 200: Part 1: 1984 and BS AU 200: Part 2: 1984;

“the amended Specification” means the original Specification as amended and published under the reference BS AU 200: Part 1a: 1986 and BS AU 200: Part 2a: 1986;

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

“containment device” means any device so described in the original Specification or the amended Specification;

“the specified area” means the area formed by the overall length of the vehicle and the middle 80% of the shortest distance between the inner edges of any two wheels on opposite sides of the vehicle (such distance being ascertained when the vehicle is fitted with suitable tyres inflated to a pressure recommended by the manufacturer, but excluding any bulging of the tyres near the ground).

(6) This regulation does not derogate from any requirement specified in regulation 76.

Maintenance of spray suppression devices

78. Every part of a containment device with which a vehicle is required to be fitted by regulation 77 shall when the vehicle is on a road be maintained free from obvious defects which would be likely to affect adversely the effectiveness of the device.