STATUTORY RULES OF NORTHERN IRELAND

1999 No. 9

ROAD TRAFFIC AND VEHICLES

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

> Made - - - 11th January 1999 Coming into operation in accordance with regulation 1(2)

The Department of the Environment, in exercise of the powers conferred on it by Articles 55(1), (2) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(1) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

- **1.**—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1999.
- (2) These Regulations shall come into operation on 22nd February 1999 except for regulation 4 which shall come into operation on 22nd February 2000.
- (3) In these Regulations "the principal Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(2).

Amendment of regulation 34A (speed limiters)

- **2.**—(1) Regulation 34A(**3**) of the principal Regulations shall be amended in accordance with paragraphs (2) to (5).
 - (2) For paragraphs (1) and (2) there shall be substituted—
 - "(1) This Regulation applies to every bus and coach which—
 - (a) has a maximum gross weight exceeding 10 tones;
 - (b) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h; and
 - (c) was first used on or after 1st January 1988.".

⁽¹⁾ S.I.1995/2994 (N.I. 18)

⁽²⁾ S.R. 1989 No. 299; relevant amending Regulations are S.R. 1994 No. 452

⁽³⁾ Regulation 34A was inserted by S.R. 1994 No. 452, regulation 4(1) and Schedule Part I

- (3) In paragraph (3), for sub-paragraph (c) there shall be substituted the following sub-paragraph—
 - "(c) be calibrated to a set speed not exceeding 100 km/h."
 - (4) After paragraph (8) there shall be inserted the following paragraph—
 - "(8A) Until 22nd February 2000, in relation to a vehicle not used for transport operations outside the United Kingdom and first used before 22nd February 1999, paragraph (3)(c) shall have effect as if for "100 km/h" there were substituted "105 km/h"."
 - (5) In paragraph (9) the definition of "stabilised speed" shall be omitted.

Amendment of regulation 34B (speed limiters)

- **3.**—(1) Regulation 34B(**4**) of the principal Regulations shall be amended in accordance with paragraphs (2) to (6).
 - (2) For paragraphs (1) and (2) there shall be substituted—
 - "(1) This Regulation applies to every goods vehicle which—
 - (a) has a maximum gross weight exceeding 12 tonnes;
 - (b) is first used on or after 1st January 1988; and
 - (c) has, or if a speed limiter were not fitted would have, a relevant speed exceeding 90 km/h.".
- (3) In paragraph (3), for sub-paragraph (c) there shall be substituted the following sub-paragraph—
 - "(c) subject to paragraph (3A), be set at a speed not exceeding 85 km/h and so that the stabilised speed of the vehicle does not exceed 90 km/h."
 - (4) After paragraph (3) there shall be inserted the following paragraph—
 - "(3A) Where—
 - (a) a speed limiter fitted to a goods vehicle first used on or after 1st January 1988 is set at a particular speed above 85 km/h (approximately 52.8 mph); and
 - (b) the processes used in the construction of the vehicle, the speed limiter and its other equipment were such as to ensure that, with the speed limiter set at that particular speed, the vehicle would have a stabilised speed not exceeding 90 km/h (approximately 55.9 mph),

the speed limiter of the vehicle shall, for the purposes of paragraph (3)(c) and regulation 71A, be deemed to have been set at a speed of 85 km/h."

- (5) After paragraph (7) there shall be inserted the following paragraph—
 - "(7A) Until 22nd February 2000, paragraph (3A) shall have effect with the omission of the words and regulation (71A)".
- (6) In paragraph (9), the words "and "stabilised speed"" shall be omitted and after the definition of "relevant speed" there shall be inserted—
 - ""stabilised speed" means the mean speed of a vehicle when its speed is under the control of a speed limiter and stable speed control has been achieved."

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

Amendment of regulation 71A

4. In regulation 71A(**5**) of the principal Regulations, there shall be inserted at the beginning of paragraph (3) the words "Subject to regulation 34B(7A),".

Amendment of Schedule 1 (Community Directives and ECE Regulations)

5. In Schedule 1 to the principal Regulations, in Table I after item 63(6) there shall be inserted the following item—

"63A	92/6	10.2.92	L57, 2.3.92, p. 27	The installation and use of speed limitation devices"	
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Sealed with the Official Seal of the Department of the Environment on

L.S.

11th January 1999.

J. Ritchie Assistant Secretary

⁽⁵⁾ Regulation 71A was inserted by S.R. 1994 No. 452, regulation 4(2) and Schedule Part II

⁽⁶⁾ Item 63 was inserted by S.R. 1992 No. 509, regulation 11

EXPLANATORY NOTE

(This note is not part of the Regulations.)

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

These Regulations make the following principal changes—

Paragraph (1)(b) of regulation 34A (speed limiters on buses and coaches) is amended so that the regulation applies to buses and coaches, first used on or after 1st January 1988, having a maximum speed without a speed limiter exceeding 100 kilometers per hour (approximately 62.14 mph) instead of 65 mph (approximately 105 km/h). Paragraph (3)(c) is amended so as to provide that speed limiters fitted to such vehicles must be calibrated to a set speed not exceeding 100 km/h. A new transitional provision is inserted into regulation 34A whereby these changes do not apply until 22nd February 2000 to vehicles not used for transport operations outside the United Kingdom and first used before 22nd February 1999.

Regulation 34B required certain goods vehicles having a maximum gross weight exceeding 12 tonnes to be fitted with a speed limiter and for the limiter to be so set that the stabilised speed of the vehicle is less than 90 km/h (56 mph). These Regulations amend regulation 34B so that in general the stabilised speed of these vehicles will have to be not more than 90 km/h (approximately 55.9 mph) and the limiter will have to be set at not more than 85 km/h (approximately 52.8 mph). However, it will be permissible for a speed limiter to be set at a particular speed above 85 km/h (52.8 mph) if the processes used in the construction of the vehicle, the limiter and its other equipment are such as to ensure that the stabilised speed of the vehicle is not more than 90 km/h when the limiter is set at that particular speed.

Regulations 34A and 34B are also amended so that certain buses, coaches and goods vehicles, whether or not used exclusively for transport purposes within the United Kingdom, are now subject to the provisions relating to speed limiters.

Regulations 34A and 34B implement Council Directive 92/6 (O.J. No. L57, 2.3.92, p. 27) and Council Directive 92/24 (O.J. No. L129, 14.5.92, p. 154). Copies of the Directives can be obtained from the Stationery Office, 16 Arthur Street, Belfast, BT1 4GD.