

2001 No. 173

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment No. 2)
Regulations (Northern Ireland) 2001**

Made *11th April 2001*

Coming into operation *1st June 2001*

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(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 2001 and shall come into operation on 1st June 2001.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(b).

New regulation 2A

2. After regulation 2 of the principal Regulations there shall be inserted—

“Modification of Regulations in relation to vehicles for which a Department’s approval certificate has been issued under the Motor Vehicles (Approval) (Northern Ireland) Regulations 2001

2A. Schedule 1A shall have effect for the purpose of modifying these Regulations in relation to vehicles in respect of which a Department’s approval certificate has been issued by virtue of the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001(c).”.

Amendment to regulation 74 (emissions)

3.—(1) Regulation 74 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (14), after the word “description” there shall be inserted the words “and is first used before 1st June 2001”.

(3) In paragraph (20)(b), after the word “description” there shall be inserted the words “and is first used before 1st June 2001”.

(a) S.I. 1995/2994 (N.I. 18)
(b) S.R. 1999 No. 454
(c) S.R. 2001 No. 172

New Schedule 1A (vehicles for which a Department's approval certificate has been issued under the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001)

4. After Schedule 1 to the principal Regulations there shall be inserted the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of the Environment on
11th April 2001.

(L.S.)

Sam Foster
Minister of the Environment

Vehicles for which a Department’s approval certificate has been issued under the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001

PART I

INTERPRETATION

General Interpretation

1. In this Schedule—

“the Approval Regulations” means the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001;

“approval certificate” means a Department’s approval certificate in the form prescribed by the Approval Regulations;

“approval date”, in relation to a vehicle in respect of which an approval certificate has been issued, is the date that the certificate was issued;

“relevant vehicle approval certificate” means an approval certificate which appears to have been issued on the basis that the vehicle is a vehicle to which Part II of the Approval Regulations applies.

Interpretation of references to a vehicle complying with the approval requirements and to a vehicle exempt from the approval requirements

2.—(1) Subject to paragraph 3, references in this Schedule to a vehicle complying with or being exempt from the approval requirements shall be construed in accordance with the following provisions of this paragraph.

(2) Subject to sub-paragraphs (3) and (4), a vehicle in respect of which a relevant vehicle approval certificate has been issued shall be regarded as complying with or exempt from the approval requirements in relation to a specified subject matter if and only if it for the time being satisfies at least one of the conditions in regulation 4(7) of the Approval Regulations in relation to that subject matter.

(3) A vehicle in respect of which an approval certificate has been issued shall be regarded as neither complying with nor being exempt from the approval requirements in relation to any subject matter if the certificate is a relevant vehicle approval certificate and the vehicle is not for the time being a vehicle to which Part II of the Approval Regulations applies.

(4) For the purposes of this paragraph, the Approval Regulations shall have effect with the omission of regulation 4(10).

PART II

MODIFICATION OF THE REGULATIONS

Part exemption from regulation 37 (glazing)

3. Regulation 37(2), (7) and (10) shall not apply to a vehicle in respect of which a relevant vehicle approval certificate has been issued, if it complies with or is exempt from the approval requirements relating to glazing.

Exemption from regulation 38 (mirrors)

4. Regulation 38 shall not apply to a vehicle in respect of which a relevant vehicle approval certificate has been issued, if it complies with or is exempt from the approval requirements relating to rear view mirrors.

Exemption from regulation 40 (speedometers)

5. Regulation 40 shall not apply to a vehicle in respect of which a relevant approval certificate has been issued, if it complies with or is exempt from the approval requirements relating to speedometers.

Exemption from regulation 46(2)(c)(i) (fuel tanks to be made of metal)

6. Regulation 46(2)(c)(i) shall not apply to a vehicle in respect of which a relevant vehicle approval certificate has been issued, if it complies with the approval requirements relating to general vehicle construction.

Exemption from regulation 54 (seat belt anchorage points)

7. Regulation 54 shall not apply to a vehicle in respect of which a relevant vehicle approval certificate has been issued, if it complies with or is exempt from the approval requirements relating to anchorage points.

Part exemption from regulation 55 (seat belts)

8. Regulation 55, so far as it relates to seat belts for adults, shall not apply to a vehicle in respect of which a relevant vehicle approval certificate has been issued, if it complies with or is exempt from the approval requirements relating to seat belts (including the requirements relating to the installation of seat belts).

Modifications to regulation 74 (emissions)

9.—(1) Regulation 74 shall have effect with the following modifications in relation to a vehicle in respect of which there has been issued an approval certificate containing the letter “A” pursuant to regulation 9(2) of the Approval Regulations.

(2) For the purposes of paragraphs (4), (11), (12) and (13), the date of first use of the vehicle shall be regarded as being 1st January immediately preceding the date of manufacture of the engine by which it is propelled. However, the date on which the vehicle is first used shall not, by virtue 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 this paragraph been omitted.

(3) Paragraph (15) shall not apply to the vehicle if it complies with or is exempt from the approval requirements relating to exhaust emissions.

10. Paragraphs (15), (16) and (21) of regulation 74 shall not apply to a vehicle in respect of which an approval certificate has been issued, if it complies with, or is exempt from, the approval requirements relating to exhaust or smoke emissions.

Modification to regulation 80 (vehicle identification numbers)

11. Regulation 80 shall not apply to a vehicle in respect of which an approval certificate has been issued if—

- (a) the vehicle is equipped with a plate which is in a conspicuous and readily accessible position, is affixed to a vehicle part which is not normally

subject to replacement and shows clearly and indelibly the identification number shown on the certificate and the name of the manufacturer; and
(b) that number is marked on the chassis, frame or other similar structure, on the offside of the vehicle, in a clearly visible and accessible position, and by a method such as hammering or stamping, in such a way that it cannot be obliterated or deteriorate.”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (“the 1999 Regulations”) consequentially upon the making of the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 (“the Approval Regulations”).

Regulations 2 and 4 and the Schedule insert into the 1999 Regulations a new Schedule 1A which modifies those Regulations in relation to vehicles which are the subject of a Department’s approval certificate issued under the Approval Regulations. If they comply with the relevant requirements of the Approval Regulations, such vehicles are exempt from the requirements of regulations 37 (glazing—part exemption), 38 (mirrors), 40 (speedometers), 46(2)(c)(i) (fuel tanks—part exemption), 54 (seat belt anchorage points) and 55 (seat belts—part exemption) of the 1999 Regulations. Regulation 80 (vehicle identification numbers) of the 1999 Regulations is amended so as to exempt such vehicles if they comply with specified alternative requirements.

Regulation 74 (emissions) of the 1999 Regulations is amended by—

- (a) regulation 3 and paragraph 9 of the new Schedule 1A, so that amateur-built vehicles which are the subject of a Department’s approval certificate under the Approval Regulations are exempt from the requirements of paragraph (15) (engine idling), if they comply with the exhaust emission requirements of the Approval Regulations; and
- (b) paragraph 10 of the new Schedule 1A so as to disapply paragraphs (15), (16) and (21) in respect of a vehicle to which a Department’s approval certificate has been issued, if it complies with, or is exempt from, the approval requirements relating to exhaust or smoke emissions.

These Regulations have been notified to the European Commission pursuant to European Parliament and Council Directive 98/34/EC of 22nd June 1998 (O.J. No. L204, 21.7.98, p. 37) as amended by European Parliament and Council Directive 98/48/EC of 20th July 1998 (O.J. No. L217, 5.8.98, p. 18) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

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