

2001 No. 174

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Type Approval) (Amendment) 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 31A(1), 31D(1) and (3), 31E(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a) 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 (Type Approval) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 1st June 2001.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(b).

Amendment to regulation 2 (general interpretation)

2. In regulation 2(1)(c) of the principal Regulations, in the definition of “the prescribed type approval requirements”, for the words “these Regulations” there shall be substituted the words “regulation 4”.

Amendment to regulation 2B (interpretation of “low volume type approval vehicle”)

3. In regulation 2B(1)(b)(d) of the principal Regulations, for the words “has been issued” there shall be substituted the words “is in force”.

Amendments to regulation 3 (application)

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

(2) In paragraph (1)(a)—

(a) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of “Department”; Articles 31A, 31D and 31E were inserted by S.I. 1985/755 (N.I. 6), Article 3 and amended by S.R. 1993 No. 246, regulations 4, 5 and 6 respectively

(b) 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. 1991 No. 408, S.R. 1992 Nos. 86 and 508, S.R. 1995 No. 38, S.R. 1996 No. 156, S.R. 1998 No. 363 and S.R. 1999 No. 234

(c) Regulation 2 was amended by S.R. 1992 No. 86, regulation 2(1) and (2)

(d) Regulation 2B was inserted by S.R. 1995 No. 38, regulation 3

- (a) for the words “first used on or after” there shall be substituted the words “not first used before”; and
- (b) in head (ii), after the words “motor cycle with” there shall be inserted the words “or without”.
- (3) In paragraph (2), sub-paragraphs (a), (b), (e) and (j) shall be omitted.

New regulation 3A (modification in relation to vehicles to which the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 apply)

5. After regulation 3 of the principal Regulations there shall be inserted the following regulation—

“Modifications in relation to vehicles to which the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 apply

3A.—(1) These Regulations shall have effect, in relation to vehicles to which Part II of the Approval Regulations apply, with the following modifications.

(2) Regulation 4 shall have effect subject to regulation 3 of the Approval Regulations.

(3) Regulation 6 does not apply to an application for a Department’s approval certificate made on the basis that the vehicle complies with the relevant requirements by virtue of the Approval Regulations.

(4) Regulation 8 does not apply in relation to any determination made for the purposes of such an application.

(5) Regulation 9 does not apply in relation to any certificate issued on the basis that the vehicle complies with the relevant requirements by virtue of the Approval Regulations.

(6) Regulation 10 does not apply in relation to any certificate in the form prescribed by the Approval Regulations.

(7) Regulations 13A and 14 do not apply to any vehicle to which Part II of the Approval Regulations apply (those Regulations containing provisions corresponding to regulations 13A and 14).

(8) In this regulation—

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

“the relevant requirements”, in relation to a vehicle, means the requirements prescribed under Article 31A of the Order that are applicable to it.”

Amendments to regulation 4 (type approval requirements — application)

6. In regulation 4(b) of the principal Regulations—

- (a) in paragraph (1), for the words “Subject to paragraphs (1A), (2), (3), (4) and (5)” there shall be substituted the words “Subject to paragraphs (1A) to (5), regulation 3A”; and

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(b) Paragraph (1A) was inserted by S.R. 1992 No. 508, regulation 2(2) and substituted by S.R. 1999 No. 234, regulation 3(2)

(b) in paragraph (12)(a), the words “and 31E” shall be omitted.

New regulation 13A (obligatory certificates)

7. After regulation 13 of the principal Regulations there shall be inserted the following regulation—

“Obligatory certificates

13A.—(1) Subject to regulation 3A, this regulation applies to all vehicles subject to type approval requirements.

(2) The day appointed for the purposes of Article 31E of the Order in relation to all vehicles—

(a) to which this regulation applies; but

(b) which are not of a class for which a day has previously been appointed for those purposes,

is 1st June 2001.

(3) The type approval requirements prescribed under Article 31E of the Order, in relation to any vehicle to which this regulation applies, are the prescribed type approval requirements.”.

Substitution of regulation 14 (licences not to be issued for vehicles unless appropriate certificates are in force)

8. For regulation 14 of the principal Regulations there shall be substituted the following regulation—

“14. Where application is made for a licence under the Vehicle Excise and Registration Act 1994 for a vehicle to which regulation 13A applies, the licence shall not be granted unless on the first application after the day appointed by regulations made by virtue of Article 31E of the Order for a licence for that vehicle, there is produced evidence that there is or are one or more certificates in force for the vehicle under Article 31A of the Order from which it appears that the vehicle complies with the prescribed type approval requirements.”.

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

(L.S.)

Sam Foster

Minister for the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985 (“the 1985 Regulations”) and, together with the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 (“the Approval Regulations”), establish a statutory scheme for approving the construction of single passenger vehicles before such vehicles are brought into service.

Regulation 4 amends regulation 3 of the 1985 Regulations so as to apply those Regulations to motor ambulances, motor caravans, personally imported passenger vehicles and amateur-built passenger vehicles, which are classes of vehicles to which the Approval Regulations apply but which had previously been excluded from the application of the 1985 Regulations, thus providing the option for such vehicles either to be type approved in accordance with the 1985 Regulations or to be given single vehicle approval in accordance with the Approval Regulations.

Regulation 5 inserts a new regulation 3A into the 1985 Regulations, which modifies those Regulations in relation to vehicles to which the Approval Regulations apply.

Regulation 7 inserts a new regulation 13A into the 1985 Regulations specifying, pursuant to Article 31E of the Road Traffic (Northern Ireland) Order 1981, 1st June 2001 as the appointed day for the purposes of that Article from which the prescribed type approval requirements must be complied with in relation to such vehicles.

Regulations 2, 3, 6 and 8 make minor and consequential amendments to regulations 2 (general interpretation), 4 (application of type approval requirements) and 14 (issue of licences) of the 1985 Regulations.

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