

2002 No. 256

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment No. 2)
Regulations (Northern Ireland) 2002**

Made - - - - - *25th July 2002*

Coming into operation *1st September 2002*

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.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 2002 and shall come into operation on 1st September 2002.

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

Amendment to regulation 54 (seat belt anchorage points)

2. For regulation 54 of the principal Regulations there shall be substituted the regulation set out in the Schedule.

Amendments to regulation 55 (seat belts)

3.—(1) Regulation 55 of the principal Regulations shall be amended in accordance with paragraphs (2) to (8).

(2) In paragraph (2) –

(a) in sub-paragraph (c) for the words “regulation 54(4)(a)(ii) or (iii)” there shall be substituted “item 9 or 10 of the Table in regulation 54(3)”;

(b) in sub-paragraph (d) for the words “regulation 54(4)(a)(i)(B)” there shall be substituted “item 3 of the Table in regulation 54(3)”.

(c) in sub-paragraph (e) for the words “regulation 54(5)(b)” there shall be substituted “item 6 of the Table in regulation 54(3)”;

(d) after sub-paragraph (e) there shall be inserted –

“(f) item 5 of the Table in regulation 54(3) applies shall be fitted –

(i) as respects the driver’s seat with a three-point belt or a lap belt; and

(ii) as respects every other forward-facing front seat with a three-point belt, a lap belt installed in accordance with paragraph 3.1.2.1 of Annex I to Community Directive 77/541 or a disabled person’s belt;

^(a) S.I. 1995/2994 (N.I. 18); see Article 2(2) for the definition of “the Department”

^(b) S.R. 1999 No. 454; relevant amending regulations are S.R. 2001 No. 28, S.R. 2001 No. 241 and S.R. 2002 No. 197

- (g) item 7 of the Table in regulation 54(3) applies shall be fitted, as respects every forward-facing seat, with —
 - (i) an inertia reel belt;
 - (ii) a retractable lap belt installed in compliance with paragraph 3.1.10 of Annex I to Community Directive 96/36 or 2000/3;
 - (iii) a disabled person's belt; or
 - (iv) a child restraint;
- (h) item 7 of the Table in regulation 54(3) applies shall be fitted, as respects every rearward-facing seat, with —
 - (i) an inertia reel belt;
 - (ii) a retractable lap belt;
 - (iii) a disabled person's belt; or
 - (iv) a child restraint;
- (i) item 8 of the Table in regulation 54(3) applies shall be fitted, as respects every forward-facing seat, with —
 - (i) an inertia reel belt;
 - (ii) a disabled person's belt; or
 - (iii) a child restraint;
- (j) item 9 of the Table in regulation 54(3) applies shall be fitted, as respects every rearward-facing seat, with —
 - (i) an inertia reel belt;
 - (ii) a retractable lap belt;
 - (iii) a disabled person's belt; or
 - (iv) a child restraint.”.

(3) In paragraph (4) –

- (a) for the words “paragraph (2)(b), (c), (d) or (e)” there shall be substituted “any of the paragraphs (2)(b) to (j)”;
- (b) for the words “or 82/319 or 90/628 or 96/36” there shall be substituted “, 82/319, 90/628, 96/36 or 2000/3”.

(4) In paragraph (5)(e) for the words “regulation 54(5)(a)” there shall be substituted “item 4 of the Table in regulation 54(3)”.

(5) After paragraph (5) there shall be inserted –

“(5A) Vehicles constructed or adapted for the secure transport of prisoners shall not be required to comply with the requirements of paragraph (2) in relation to seats for persons other than the driver and front seat passenger provided that those seats shall have seat belt anchorage points provided for them in accordance with regulation 54.”.

(6) In paragraph (6) after the words “disabled person's belt” there shall be inserted “first fitted before 1st September 2002”.

(7) In paragraph (8) for sub-paragraph (b) there shall be substituted –

“(b) in any other case –

- (i) with a designated approval mark; or
- (ii) with an EC Component Type-Approval Mark complying with Annex III to Community Directive 2000/3.”.

(8) In paragraph (11) after the definition of “lap belt” the following definition shall be inserted –

““retractable lap belt” means a lap belt with either an automatically locking retractor (as defined in paragraph 1.8.3 of Annex I to Community Directive 77/541) or an emergency locking retractor (as defined in paragraph 1.8.4 of Annex I to Community Directive 77/541);”.

Amendment to regulation 56 (maintenance of seat belts and anchorage points)

4. In regulation 56(1) of the principal Regulations for the words “regulation 54(5)(a)” there shall be substituted “regulation 54(3) and item 4 in the Table in that regulation”.

Amendment to regulation 57 (minibuses and coaches to be fitted with additional seat belts when used in certain circumstances)

5. In regulation 57 of the principal Regulations after paragraph (3) there shall be inserted –
“(3A) For the purposes of this regulation a rearward-facing seat shall be treated as a forward-facing seat which meets the requirements of this regulation if the coach or minibus concerned was first used on or after 1st September 2002, and the rearward-facing seat complies with the requirements of regulations 54 and 55.”.

Amendment of Schedule 1 (Table I Community Directives and Table II ECE Regulations)

6.—(1) Schedule 1 to the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In column 2 of item 68 in Table I for “90/269” there shall be substituted “90/629”.

(3) After the entry for item 11 in Table II there shall be inserted –

“11A	14.04	14	30.1.70	Anchorage for seat belts	18.1.98	—
11B	14.05	14	30.1.70	Anchorage for seat belts	4.2.99	—

Amendment of Schedule 10 (emissions from certain motor vehicles)

7. For paragraph 8 of Schedule 10 to the principal Regulations there shall be substituted –

“8. This Part of this Schedule applies to a vehicle if, when tested in accordance with point 8.2.2 of Annex II of Council Directive 96/96/EC(a) as replaced with Article 1 of Commission Directive 1999/52/EC(b), the coefficient of absorption of the exhaust emissions from the engine of the vehicle immediately after leaving the exhaust system exceeds —

(a) if the engine of the vehicle is turbo-charged, 3.0 per metre, or

(b) in any other case, 2.5 per metre.”.

8. The Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2002(c) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 25th July 2002.

(L.S.)

Dermot Nesbitt
Minister of the Environment

(a) O.J. No. L46, 17.02.97, p. 1
(b) O.J. No. L142, 05.06.99, p. 26
(c) S.R. 2002 No. 197

REGULATION TO BE SUBSTITUTED FOR REGULATION 54

“Seat belt anchorage points

- 54.**—(1) This regulation applies to a motor vehicle which is not an excepted vehicle and is –
- (a) a bus first used on or after 1st April 1982;
 - (b) a wheeled motor car first used on or after 1st January 1965;
 - (c) a three-wheeled motor cycle which has an unladen weight exceeding 255 kg and which was first used on or after 1st September 1970; or
 - (d) a heavy motor car first used on or after 1st October 1990.
- (2) Each of the following is an excepted vehicle –
- (a) a goods vehicle (other than a dual-purpose vehicle) –
 - (i) first used on or before 1st April 1967;
 - (ii) first used on or after 1st April 1980 and before 1st October 1990 and having a maximum gross weight exceeding 3500 kg; or
 - (iii) first used before 1st April 1980 or, if the vehicle is of a model manufactured before 1st October 1979, first used before 1st April 1982 and, in either case, having an unladen weight exceeding 1525 kg;
 - (b) an agricultural motor vehicle;
 - (c) a motor tractor;
 - (d) a works truck;
 - (e) an electrically propelled goods vehicle first used before 1st October 1990;
 - (f) a pedestrian-controlled vehicle;
 - (g) a vehicle which has been used on roads outside Northern Ireland, whilst it is being driven from the place at which it arrived in Northern Ireland to a place of residence of the owner or driver of the vehicle, or from any such place to a place where, by previous arrangement, it will be provided with such anchorage points as are required by this regulation and with such seat belts as are required by regulation 55;
 - (h) a vehicle having a maximum speed not exceeding 16 mph;
 - (i) a motor cycle equipped with a driver’s seat of a type requiring the driver to sit astride it, and which is constructed or assembled by a person not ordinarily engaged in the trade or business of manufacturing vehicles of that description;
 - (j) a locomotive.

(3) A vehicle which falls within a description specified in column (2) of an item in the Table below shall be equipped with anchorage points for seat belts for the use of persons sitting in the seats specified in column (3) of that item and those anchorage points (“mandatory anchorage points”) shall comply with the requirements specified in column (4).

TABLE

(1) <i>Item</i>	(2) <i>Description of vehicle</i>	(3) <i>Seats for which mandatory anchorage points are to be provided</i>	(4) <i>Technical and installation requirements</i>
1.	Any vehicle first used before 1st April 1982	The driver’s seat and specified passenger seat (if any)	Anchorage points must be designed to hold seat belts securely in position on the vehicle
2.	Minibus constructed or adapted to carry not more than 12 seated passengers in addition to the driver, motor ambulance or motor caravan which, in any	The driver’s seat and specified passenger seat (if any)	The technical and installation (but not the testing) requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05, whether or

(1) <i>Item</i>	(2) <i>Description of vehicle</i>	(3) <i>Seats for which mandatory anchorage points are to be provided</i>	(4) <i>Technical and installation requirements</i>
	such case, was first used on or after 1st April 1982 but before 1st October 1990		not those instruments apply to the vehicle
3.	Minibus (not being a vehicle falling within item 7 or 8) having a gross weight not exceeding 3500 kg, motor ambulance or motor caravan which, in any such case, was first used on or after 1st October 1990	The driver's seat and every forward-facing front seat	The requirements specified in column (4) of item 2
4.	Goods vehicle first used on or after 1st October 1990 but before 1st September 2002 and having a maximum gross weight exceeding 3500 kg	The driver's seat and each forward-facing front seat	2 or 3 anchorage points designed to hold seat belts securely in position
5.	Goods vehicle first used on or after 1st September 2002 and having a maximum gross weight exceeding 3500 kg	All forward-facing front seats	The technical and installation requirements of Community Directive 96/38 or ECE Regulation 14.04 or 14.05
6.	Coach first used on or after 1st October 1990 but before 1st September 2002	All exposed forward-facing seats	The requirements specified in column (4) of item 2 or, if the anchorage points were fitted before 1st September 2002 and form part of a seat, a requirement that they do not, when a forward horizontal force is applied to them, become detached from the seat before the seat becomes detached from the vehicle
7.	Bus (other than an urban bus) having a gross vehicle weight exceeding 3500 kg and first used on or after 1st September 2002	Every forward-facing and every rearward-facing seat	The requirements specified in column (4) of item 5
8.	Bus (other than an urban bus) having a gross vehicle weight not exceeding 3500 kg and first used on or after 1st September 2002	Every forward-facing and every rearward-facing seat	The requirements specified in column (4) of item 5

(1) <i>Item</i>	(2) <i>Description of vehicle</i>	(3) <i>Seats for which mandatory anchorage points are to be provided</i>	(4) <i>Technical and installation requirements</i>
9.	Passenger or dual-purpose vehicle (other than a bus) first used on or after 1st April 1982 and not falling within any of items 2 to 8	Every forward-facing seat constructed or adapted to accommodate no more than one adult	The requirements specified in column (4) of item 2
10.	Vehicle (other than a bus) first used on or after 1st April 1982 and not falling within any of items 2 to 9	Every forward-facing front seat and every non-protected seat	The requirements specified in column (4) of item 2

(4) Any anchorage fitted after 1st September 2002 to a bus not falling within item 7 or 8 of the Table in paragraph (3) must comply with the technical and installation (but not the testing) requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05 whether or not those instruments apply to the vehicle.

(5) Subject to paragraph (6), where a vehicle to which this regulation applies and which falls within a class specified in an item of the Table in paragraph (3) is fitted with non-mandatory anchorage points, those anchorage points shall comply with the requirements applicable to the mandatory anchorage points specified for that item.

(6) Paragraph (5) does not apply to non-mandatory anchorage points fitted to –

- (a) a minibus before 1st April 1986; or
- (b) any other vehicle before 1st October 1990.

(7) For the purposes of this regulation –

- (a) the expression “exposed forward-facing seat”, “forward-facing front seat”, “lap belt”, “seat belt” and “specified passenger’s seat” have the same meaning as in regulation 55(11);
- (b) “mandatory anchorage points” has the meaning given in paragraph (3) and “non-mandatory anchorage points” means anchorage points which are not mandatory anchorage points;
- (c) a seat is a “non-protected seat” if it is not a front seat and the screen zones within the protected area have a combined surface of less than 800 cm²;
- (d) “screen zone” and “protected area” in relation to a seat shall be construed in accordance with paragraph 4.3.3 of Annex 1 to Community Directive 81/575; and
- (e) “urban bus” means a bus designed for urban use with standing passengers and includes a vehicle which is –
 - (i) a Class I vehicle as defined by paragraph 2.1.2.1.3.1.1. of Annex I of Community Directive 97/27/EC(a);
 - (ii) a Class II vehicle as defined by paragraph 2.1.2.1.3.1.2. of that Annex; or
 - (iii) a Class A vehicle as defined by paragraph 2.1.2.1.3.2.1. of that Annex.

(8) A vehicle which is not required by this regulation to comply with the technical and installation requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05 shall nevertheless be taken to comply with the provisions of this regulation if it does comply with those requirements.”.

(a) O.J. No. L233 25.8.97, p. 1

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2002 to correct a number of drafting errors.

They amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 in relation to seat belts and their anchorage points in the light of EC Directives 96/36/EC, 96/38/EC and 2000/3/EC.

Regulation 2 and the Schedule substitute a new regulation 54 which specifies what anchorage points are to be fitted to which vehicles and the technical requirements for anchorage points. Regulation 3 amends regulation 55 which makes corresponding provision for seat belts and regulation 4 makes a consequential amendment to regulation 56 (maintenance of seat belts and anchorage points). Regulation 5 amends regulation 57 so as to enable rearward-facing seats meeting specified requirements to count towards the minimum number of forward-facing seats with seat belts that must be provided on minibuses and coaches to carry groups of children on organised trips. Regulation 6 corrects a reference to a Community Directive in item 68 in Table I in Schedule 1 and inserts some references to ECE Regulations 14.04 and 14.05 in Table II in Schedule 1.

The opportunity has been taken to correct a drafting error in paragraph 8 of Schedule 10 to the principal Regulations.

These Regulations have been notified to the European Commission pursuant to Directive 98/34/EC of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (O.J. No. L204, 21.07.98, p. 37-48) as amended by Directive 98/48 EC of 20th July 1998 (O.J. No. L217, 05.08.98, p. 18-26).

Copies of the relevant Directives and ECE Regulations can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.

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