

2002 No. 8

**ROAD TRAFFIC AND VEHICLES**

**Motor Vehicles (Authorised Weight) (Amendment)  
Regulations (Northern Ireland) 2002**

*Made* . . . . . 15th January 2002

*Coming into operation* . . . . . 28th February 2002

The Department of the Environment, in exercise of the powers conferred on it by Articles 55(1) and (2) 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 (Authorised Weight) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 28th February 2002.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999(b).

*Amendment to regulation 2 (interpretation)*

2. Regulation 2(1) of the principal Regulations shall be amended as follows—

(a) for the definition of “the 1989 Regulations” there shall be substituted—

““the 1999 Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(c);” and

(b) the following new definitions shall be inserted in the appropriate alphabetical order—

““axle-lift device” means a device permanently fitted to the vehicle for the purpose of reducing or increasing the load on the axles, according to the loading conditions of the vehicle either—

(a) by means of raising the wheels clear off the ground or by lowering them to the ground, or

(b) without raising the wheels off the ground,

in order to reduce the wear on the tyres when the vehicle is not fully laden and, or alternatively, to make it easier for the vehicle to move off on slippery ground by increasing the load on the driving axle;

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(a) S.I. 1995/2994 (N.I. 18)

(b) S.R. 1999 No. 258

(c) S.R. 1999 No. 454 to which there are amendments not relevant to these Regulations

“complies with” shall, in relation to the requirements of a Community Directive, be construed in accordance with regulation 5 of the 1999 Regulations;

“diesel engine” shall be construed in accordance with paragraph 2.2 of Directive 88/77/EEC as amended by Directive 91/542/EEC, Annex I;

“Directive 88/77/EEC” means Council Directive 88/77 of 3rd December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from diesel engines for use in vehicles;

“Directive 91/542/EEC” means Council Directive 91/542 of 1st October 1991 amending Directive 88/77/EEC;

“first used” shall be construed in accordance with regulation 2(4) of the 1999 Regulations;

“gas”, “semi-trailer”, “trailer” and “wheel” have the meanings given in regulation 2(1) of the 1999 Regulations;

“low pollution engine” means an engine which—

- (a) is fuelled solely by gas; or
- (b) is fuelled predominantly by gas and has a minimum gas tank capacity of 400 litres; or
- (c) being a diesel engine, complies with at least the requirements for the emission of gaseous and particulate pollutants specified in paragraph 6.2.1 of Annex I to Directive 88/77/EEC<sup>(a)</sup> as amended by Directive 91/542/EEC<sup>(b)</sup>, the maximum masses of which as shown on line B in the table to that paragraph, are—

<i>Mass of carbon monoxide (CO) g/kWh</i>	<i>Mass of hydrocarbons (HC) g/kWh</i>	<i>Mass of nitrogen oxides (NOx) g/kWh</i>	<i>Mass of particulates (PT) g/kWh</i>
4.0	1.1	7.0	0.15

“loadable axle” means an axle the load on which can be varied without the axle being raised by the use of an axle-lift device; and

“retractable axle” means an axle which is raised or lowered by an axle-lift device, either by raising the wheels of the vehicle clear off the ground or by lowering them to the ground.”.

#### *Application of Regulations*

**3.** For regulation 3 of the principal Regulations (application of Regulations) there shall be substituted the following—

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(a) O.J. No. L36, 9.2.88, p. 33  
(b) O.J. No. L295, 25.10.91, p. 1

“3. These Regulations apply to all wheeled motor vehicles and trailers which fall within category M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub>, N<sub>3</sub>, O<sub>3</sub> or O<sub>4</sub> of the vehicle categories defined in Annex II to Directive 70/156/EEC(a) as substituted by Directive 92/53/EC(b) except vehicle combinations which for the time being fulfil the requirements of Part II, III and IV of Schedule 14 to the 1999 Regulations (exemptions relating to combined transport operations).”.

*Amendment to regulation 4 (maximum authorised weights)*

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

(2) In paragraph (1)(c) after the words “Schedule 3” there shall be inserted “or if any of the other requirements of that Schedule are not complied with”.

(3) For paragraph (2) there shall be substituted—

“(2) A vehicle to which any of the provisions of regulations 87 to 91 of the 1999 Regulations apply, so long as it is so used that those provisions are complied with, shall be taken to comply with these Regulations except, in the case of a vehicle fitted with one or more retractable or loadable axles, for the provisions of paragraphs 3 and 4 of Schedule 3.”.

*Amendment to regulation 5 (saving for regulation 78 of the 1989 Regulations (over-riding weight restrictions))*

5. For regulation 5 of the principal Regulations there shall be substituted the following—

*“Compliance with regulation 93 of the 1999 Regulations (over-riding weight restrictions)*

5.—(1) Subject to paragraph (2), nothing in these Regulations shall prejudice or affect regulation 93 of the 1999 Regulations and a person using or permitting a vehicle to be used contrary to the provisions of that regulation commits an offence even if the weights authorised by these Regulations are not exceeded.

(2) Regulation 93 of the 1999 Regulations shall not be contravened when a vehicle to which paragraph 3 of Schedule 3 applies is operated in accordance with sub-paragraph (3) of that paragraph.”.

*Amendment to Schedule 2 (maximum authorised weights for vehicle combinations)*

6.—(1) Schedule 2 to the principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In Table III there shall be added the following new items—

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(a) O.J. No. L42, 23.2.70, p. 1  
(b) O.J. No. L225, 10.8.92, p. 1

“13.	Articulated vehicle satisfying each of the conditions specified in sub-paragraphs (4) and (5)	6 or more	44000
14.	Rigid motor vehicle towing a trailer satisfying each of the conditions specified in sub-paragraphs (2), (4) and (5)	6 or more	44000”.

(3) In paragraph 1(2), for the words “and 12” there shall be substituted “, 12 and 14”.

(4) In paragraph 1(4), for the words “and 12” there shall be substituted “, 12, 13 and 14”.

(5) After paragraph 1(4) there shall be added the following—

“(5) The condition referred to in items 13 and 14 of Table III is that the vehicle is fitted with a low pollution engine.”.

*Amendment to Schedule 3 (maximum authorised axle weights)*

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

(2) In paragraph 1(1) for “paragraph 2” there shall be substituted “paragraphs 2 to 4”.

(3) After paragraph 2 there shall be added—

*“Requirements relating to retractable and loadable axles*

3.—(1) This paragraph applies to a vehicle which—

(a) is fitted with one or more retractable axles or with one or more loadable axles; and

(b) is first used on or after 28th February 2002.

(2) Subject to sub-paragraph (3), under all driving conditions other than those described in sub-paragraph (3), the maximum authorised weight on any axle shall be the weight specified in column (3) of Table V or in column (5) of Table VI (as may be appropriate) and the retractable axle or the loadable axle shall lower to the ground automatically if—

(a) the front axle on the vehicle is laden to that maximum authorised weight; or

(b) in the case of a vehicle having a group of axles, the nearest axle or axles is or are laden to that maximum authorised weight;

and in head (a), “axle” is a reference to an axle described in column (2) of items 1 or 2 of Table V and in head (b), “group of axles” is a reference to an axle described in column (2) of items 3 to 6 of that Table.

(3) The driving conditions referred to in sub-paragraph (2) exist where a vehicle is on a slippery surface and, accordingly, in order to help vehicles or vehicle combinations to move off on slippery ground, and to increase the traction of their tyres on slippery surfaces, the axle-lift device may also actuate the retractable axle or the loadable axle of the vehicle

or semi-trailer to increase the weight on the driving axle of the vehicle, subject as follows—

- (a) the weight corresponding to the load on each axle may exceed the relevant maximum authorised weight by up to 30 per cent so long as it does not exceed the value stated by the manufacturer for this special purpose;
- (b) the weight corresponding to the remaining load on the front axle shall remain above zero;
- (c) the retractable axle or the loadable axle shall be actuated only by a special control device; and
- (d) after the vehicle has moved off and reached a speed of 30 kilometres per hour, the axle shall automatically lower again to the ground or be reloaded.

4. Every retractable axle or loadable axle fitted to a vehicle to which these Regulations apply, and any system for its operation, shall be designed and installed in such a manner as to protect it against improper use or tampering.”.

Sealed with the Official Seal of the Department of the Environment on 15th January 2002.

(L.S.)

*Sam Foster*  
Minister of the Environment

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

1. These Regulations give effect in Northern Ireland to the proposals in “Transport 2010, The 10 Year Plan” (published by the Department of the Environment, Transport and the Regions on 20th July 2000) relating to the introduction of 44 tonne motor vehicles and trailers into the United Kingdom. They amend the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 258) to permit the use of such vehicles from 28th February 2002 and make consequential amendments. The Regulations also provide safeguards against the misuse of current axle lift technology and the emission of pollutants.

2. Regulation 2 amends regulation 2 (interpretation) by introducing a new definition of an “axle-lift device” to reflect the requirements of Directive 97/27/EC and of a “low pollutant engine” which incorporates the new system requirements for the Euro II engine specified in Directive 91/542/EEC (which amends Directive 88/77/EEC).

3. Regulation 3 substitutes regulation 3 (application of Regulations) in order to correct a drafting error and update a legislative reference.

4. Regulation 4 amends regulation 4 (maximum authorised weights) to ensure that an offence may be committed by non-compliance with the new requirements in Schedule 3 even if the vehicle complies with regulations 87 to 91 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 454).

5. Regulation 5 provides that regulation 93 of S.R.1999 No. 454 is not contravened when a vehicle is operated in accordance with paragraph 3 of Schedule 3.

6. Regulation 6 inserts into Schedule 2 (maximum authorised weights for vehicle combinations) entries for vehicle combinations with a maximum authorised weight of 44 tonnes, and adds a requirement for the use of a low pollutant engine.

7. Regulation 7 introduces maximum authorised weight and other requirements for retractable and loadable axles, with special provisions for the moving off by vehicles on slippery slopes.

8. 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.

9. Copies of the EC Directives referred to in these Regulations may be obtained from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD.

10. A Regulatory Impact Assessment has been prepared and copies can be obtained from Vehicle Standards and Agencies Policy Branch, Room G26, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB (telephone (028) 9054 0074, fax (028) 9054 0020). A copy has been placed in the library of the Northern Ireland Assembly.

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