
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (“the Construction and Use Regulations”) to incorporate the requirements of Directives [2005/55/EC\(1\)](#) and [2005/78/EC\(2\)](#), as amended by Directive [2006/51/EC\(3\)](#), on vehicle emissions into the domestic requirements concerning the design, construction, equipment and use of vehicles. They also amend the provisions relating to emissions requirements for end of series vehicles to ensure that European law is fully implemented.

Regulation 5(5) replaces the reference to the Directives previously listed in item 2 in the Table in regulation 74A of the Construction and Use Regulations with a reference to Directives [2005/55/EC](#), [2005/78/EC](#) and [2006/51/EC](#), in order to implement these Directives. *Regulations 7(5)(b) and 7(6)(c)* make the same substitutions with respect to the definition of “vehicle” for the purposes of the meaning of “non-type approval end of series vehicles” (Part III of Schedule 8 to the Construction and Use Regulations). The proviso at the end of *regulation 5(3)* reflects the fact that the Directives not only impose new requirements, but also consolidate others, and ensures that, when a requirement is re-enacted, the “date as is specified” in relation to that requirement remains unchanged.

Regulations 5 and 7 amend regulation 74A and Schedule 8, to take into account the fact that some Directives specify more than one stage of emission limit values (or other requirements). These amendments ensure that an end of series vehicle can be exempted from one stage only. When this happens, the vehicle will still need to comply with the requirements of the previous stage of the same directive, or, if it is exempted from the first stage of a directive, the requirements of the previous directive (if any). Finally, *regulation 7(3)(b)* ensures that end of series exemptions granted in other Member States and in Great Britain are recognised in Northern Ireland.

Regulations 3 and 7(3)(a) ensure that end of series vehicles under the Motor Vehicles (EC Type Approval) Regulations 1998 are covered by the exemptions in regulation 74A(7) of, and Schedule 8 to, the Construction and Use Regulations.

For vehicles not subject to type approval, the maximum number of vehicles that could enter into service under the Construction and Use Regulations was either 10% of the vehicles registered by the manufacturer in the 12 months before the date when the new set of requirements came into effect, or 50, whichever was the greater. *Regulation 7(4)* increases the latter number to 100 and *regulation 7(6)* increases the percentage to 30%.

For vehicles subject to the Type Approval for Goods Vehicles Regulations, *regulation 7(6)* increases the maximum number of vehicles which may be regarded as end of series vehicles to 30% of those registered in the 12 months before the date when the new set of requirements came into effect, or 100, whichever is the greater.

The opportunity has been taken in these Regulations to correct two minor drafting errors in previous Regulations. These have been corrected *at regulation 4*.

A Regulatory Impact Assessment has been prepared and is available from Road Safety Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or the Department of the Environment website at www.roadsafetyni.gov.uk.

A transposition note has been prepared for these Regulations and is available from the above address.

(1) OJNo. L275, 20.10.2005, p.1.
(2) OJ No. L313, 29.11.2005, p.1.
(3) OJ No. L152, 7.6.2006, p.11.

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

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