

**EXPLANATORY MEMORANDUM TO**  
**The Motor Vehicles (Construction and Use) (Amendment No.2) Regulations**  
**(Northern Ireland) 2011**

**SR 2011 No. 303**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 55(1) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The purpose of these Regulations is to allow construction requirements of M2 or M3 vehicles to be alternatively met by a vehicle satisfying the requirements of ECE Regulations No. 52.01 (concerning the approval of M2 and M3 small capacity vehicles with regard to their general construction), 107.01 or 107.02 (concerning the approval of M2 and M3 vehicles with regard to their general construction).
- 2.2. The Regulations provide an exemption from the need to fit speed limiters to certain categories of vehicles operated by or on behalf of the Northern Ireland Prison Service.
- 2.3. The Regulations also amend the definition of "the emissions publication" to update an existing reference to the booklet "In-Service Exhaust Emission Standards for Road Vehicles" from "Thirteenth Edition" to "Sixteenth Edition".

**3. Background**

- 3.1. These Regulations insert definitions of the ECE Regulations and UNECE Agreement so as to permit the construction requirements for minibuses and coaches to use ECE Regulations as an alternative to the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999.
- 3.2. The Regulations provide an exemption from the requirement to have a speed limiter fitted to Northern Ireland Prison Service vehicles used for the movement of Category A prisoners and emergency tactical response vehicles, primarily used in restoring order within prisons and young offender centres.
- 3.3. The emissions publication is periodically published by the Department for Transport. This booklet is used by DVA when testing exhaust emissions during roadworthiness testing.

**4. Consultation**

- 4.1. The Environment Committee requested a summary of responses to the consultation. Only one response was received, seeking further clarity on

the detail of the proposals, which was provided. No further response was received.

**5. Equality Impact**

5.1. An equality impact screening exercise was completed on 6th January 2010. No equality impact was identified.

**6. Regulatory Impact**

6.1. No impact assessment was carried out due to the lack of measurable impact on the public, private or voluntary sectors.

**7. Financial Implications**

7.1. The Regulations have no measurable financial implications.

**8. Section 24 of the Northern Ireland Act 1998**

8.1. The Regulations are considered compliant with section 24 of the Northern Ireland Act 1998.

**9. EU Implications**

9.1. Not Applicable.

**10. Parity or Replicatory Measure**

10.1. The Regulations replicate the relevant Great Britain provisions.

**11. Additional Information**

11.1. Not Applicable