

**2017 No. 140**

**ROAD TRAFFIC AND VEHICLES**

**The Motor Vehicles (Construction and Use) (Amendment)  
Regulations (Northern Ireland) 2017**

*Made* - - - - *4th July 2017*

*Coming into operation* - *6th November 2017*

The Department for Infrastructure<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred by Articles 55(1) and 110(2) of the Road Traffic (Northern Ireland) Order 1995<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on 6<sup>th</sup> November 2017.

**Amendment of the Motor Vehicles (Construction and Use) Regulations 1999**

2. For Part 1 (fire extinguishing apparatus) of Schedule 7 to the Motor Vehicles (Construction and Use) Regulations 1999<sup>(d)</sup> substitute—

**“PART 1**

**Regulation 51(1)**

**Fire Extinguishing Apparatus**

1.—(1) A fire extinguisher which complies in all respects with the specification for portable fire extinguishers issued by the British Standards Institution numbered BS EN 3-7:2004+A1:2007 and which—

- (a) has a minimum test fire rating of 8A or 34B;
- (b) contains water or foam; and
- (c) has a minimum capacity of two litres.

(2) Sub-paragraph (1) shall not apply to a minibus if it carries apparatus for extinguishing fire which would meet the requirements of that sub-paragraph were there substituted—

- (a) for a reference in that sub-paragraph to any British Standard, a reference to a corresponding standard;

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(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved

(b) 1995 No. 2994 (N.I. 18)

(c) See Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

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

- (b) for the reference in that sub-paragraph to a test fire rating of 8A or the reference to a test fire rating of 34B, a reference to an equivalent level of performance specified in the corresponding standard; and
- (c) for the reference in regulation 51(2)(b) to the appropriate British Standards Institution Specification number, a reference to a marking indicating compliance with the corresponding standard.

(3) In sub-paragraph (2), “corresponding standard”, in relation to a British Standard, means—

- (a) a standard or code of practice of a national standards body or equivalent body of an EEA State or the Republic of Turkey;
- (b) any international standard recognised for use as a standard by any EEA State or the Republic of Turkey; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State or the Republic of Turkey,

where the standard or code of practice, international standard or technical specification provides, in relation to fire extinguishers, a level of safety equivalent to that provided by the British Standard and contains a requirement as respect the markings of fire extinguishers equivalent to that provided by the British Standard.

(4) In sub-paragraph (3)—

“EEA State” means a State which is a contracting party to the EEA Agreement; and

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(a) as adjusted by the Protocol signed at Brussels on 17th March 1993(b).”.

Sealed with the Official Seal of the Department for Infrastructure on 4<sup>th</sup> July 2017



*Elizabeth Loughran*  
A senior officer of the  
Department for Infrastructure

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(a) Cm 2073; O.J. No. L1, 3.1.94, p.3  
(b) Cm 2183

## **EXPLANATORY NOTE**

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

These Regulations amend Part I of Schedule 7 to the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 so as to update requirements for fire extinguishers fitted to Minibuses including the requirement that a fire extinguisher has a minimum capacity of two litres.

The requirement to remove halon gas from fire extinguishers is contained within Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 and Regulation (EC) No. 1005/2009 (OJ L 244, 29.9.2000, p.1-24) of the European Parliament and of the Council of 16 September 2009 (OJ L 286, 31.10.2009, p.1-30).

These Regulations have been notified to the European Commission pursuant to European Parliament and Council Directive 98/34/EC

An Explanatory Memorandum has been produced and is available from the Safe and Sustainable Travel Division, Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or online at <http://www.legislation.gov.uk/nisr>.

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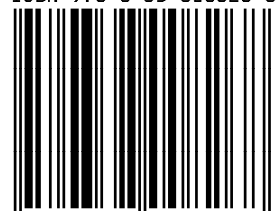
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