

2019 No. 6

ROAD TRAFFIC AND VEHICLES

CANALS AND INLAND WATERWAYS

**The Road Traffic and Vehicles and Waterways (Amendment)
Regulations (Northern Ireland) 2019**

Made - - - - - *21st January 2019*

Coming into operation - *18th February 2019*

The Department for Infrastructure(a) is designated for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to—

- (a) compulsory insurance(c);
- (b) measures relating to the carriage of passengers and goods by road(d);
- (c) the regulation and supervision of qualifications of persons engaged in road transport(e);
- (d) the regulation of the type, description, construction or equipment of vehicles, the regulation and supervision of the working conditions of persons engaged in road transport, and the testing of roadworthiness of motor vehicles and their trailers(f);
- (e) measures relating to the organisation of working time(g);
- (f) transport of dangerous goods(h);
- (g) the environment(i).

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic and Vehicles and Waterways (Amendment) Regulations (Northern Ireland) 2019 and shall come into operation on 18th February 2019.

(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) 1972 c.68; section 2(2) is amended by section 27(1)(a) of the Legislative Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7)

(c) S.I. 1972/1811

(d) S.I. 1996/266

(e) S.I. 1975/1707

(f) S.I. 1972/1811, S.I. 1975/1707 and S.I. 1977/1718

(g) S.I. 1997/1174

(h) S.I. 1996/266

(i) S.I. 2008/301

(2) The Interpretation Act (Northern Ireland) 1954^(a) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the European Communities (Motor Vehicles: Compulsory Insurance) Regulations

2.—(1) The European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973^(b) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) for the definition of “the Ministry” substitute ““the Department” means the Department for Infrastructure;”.

(3) In regulation 6(1) for “the Ministry” substitute “the Department”.

(4) In regulation 7(4) for “the Ministry, the Ministry” substitute “the Department, the Department”.

Amendment of the Carriage of Goods (Prohibition of Discrimination) Regulations

3. In regulation 2(1) of the Carriage of Goods (Prohibition of Discrimination) Regulations (Northern Ireland) 1976^(c) in the definition of “the Department” for “Department of the Environment” substitute “Department for Infrastructure”.

Amendment of the Road Transport (Qualifications of Operators) (Amendment) Regulations

4. For regulation 2 (interpretation) of the Road Transport (Qualifications of Operators) (Amendment) Regulations (Northern Ireland) 1981^(d) substitute—

“2. In these Regulations—

“the Act of 1967” means the Transport Act (Northern Ireland) 1967^(e);

“the Department” means the Department for Infrastructure.”.

Amendment of the Public Service Vehicles Regulations

5. In regulation 3(1) (interpretation) of the Public Service Vehicles Regulations (Northern Ireland) 1985^(f) after the definition of “the Construction and Use Regulations” insert—

““the Department” means the Department for Infrastructure;”.

Amendment of the European Communities (International Passenger Services) Regulations

6. In regulation 3(1) (interpretation) of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987^(g) in the definition of “Department” for “Department of the Environment” substitute “Department for Infrastructure”.

Amendment of the Passenger and Goods Vehicles (Recording Equipment) Regulations

7. In regulation 2(1) (interpretation) of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996^(h) in the definition of “Department” for “Department of the Environment for Northern Ireland” substitute “Department for Infrastructure”.

(a) 1954 c. 33 (N.I.)

(b) S.R. 1973 No. 448

(c) S.R. 1976 No. 375

(d) S.R. 1981 No. 2

(e) 1967 c. 37 (N.I.)

(f) S.R. 1985 No. 123 relevant amending Regulations are S.R. 1995 No. 446 and S.R. 2000 No. 149

(g) S.R. 1987 No. 383

(h) S.R. 1996 No. 145

Amendment of the Road Vehicles (Testing) (Disclosure of Information) Regulations

8.—(1) The Road Vehicles (Testing) (Disclosure of Information) Regulations (Northern Ireland) 2003(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1 (citation, commencement and interpretation) after paragraph (2) insert—

“(3) In these Regulations “the Department” means the Department for Infrastructure.”.

(3) In regulation 2 (disclosure of testing information to member State competent authorities) for “Department of the Environment” substitute “Department”.

Amendment of the Road Transport (Working Time) Regulations

9. In regulation 2(2) (interpretation) of the Road Transport (Working Time) Regulations (Northern Ireland) 2005(b) after the definition of “the Community Drivers’ Hours Regulation” insert—

““the Department” means the Department for Infrastructure;”.

Amendment of the Drainage (Environmental Impact Assessment) Regulations

10. In regulation 2(1) (interpretation) of the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2006(c) in the definition of “the Department” for “Department of Culture, Arts and Leisure” substitute “Department for Infrastructure”.

Amendment of the Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card) Regulations

11. In regulation 2(1) (interpretation) of the Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card) Regulations (Northern Ireland) 2007(d) in the definition of “the Department” for “Department of the Environment” substitute “Department for Infrastructure”.

Amendment of the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations

12. In regulation 2(1) (interpretation) of the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009(e) after the definition of “the Community Recording Equipment Regulation” insert—

““the Department” means the Department for Infrastructure;”.

Amendment of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations

13.—(1) The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(f) are amended in accordance with paragraphs (2) to (4).

(2) In Regulation 9(1) (authorisations)—

(a) in column 1 of the table, for “Department of the Environment for Northern Ireland” substitute “Department for Infrastructure”;

(b) in column 2 of the table, for “Department of the Environment” substitute “Department for Infrastructure”.

(a) S.R. 2003 No. 8

(b) S.R. 2005 No. 241 relevant amending Regulation is S.R. 2012 No. 169

(c) S.R. 2006 No.34

(d) S.R. 2007 No. 36 relevant amending Regulations are S.R. 2011 No. 235 and S.R. 2016 No. 343

(e) S.R. 2009 No. 91

(f) S.R. 2010 No. 160

(3) In regulation 21(2) (competent authority) for “Department of the Environment” substitute “Department for Infrastructure”.

(4) In regulation 28 (enforcement) for “Department of the Environment”, in each place that it occurs, substitute “Department for Infrastructure”.

Amendment of the Community Drivers’ Hours Regulations

14. In regulation 2 (interpretation) of the Community Drivers’ Hours Regulations (Northern Ireland) 2012(a) after paragraph (1) insert—

“(1A) The Department for Infrastructure is the competent authority for the purpose of these Regulations.”.

Amendment of the Goods Vehicles (Qualifications of Operators) Regulations

15. In regulation 1(3) (citation, commencement and interpretation) of the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012(b) after the definition of “the 2010 Act” insert—

““the Department” means the Department for Infrastructure;”.

Amendment of the Goods Vehicles (Community Licence) Regulations

16. In regulation 2(1) (interpretation) of the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013(c) in the definition of “Department” for “Department of the Environment” substitute “Department for Infrastructure”.

Amendment of the Road Service Licensing (Community Licences) Regulations

17. In regulation 2(1) (interpretation) of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013(d) in the definition of “Department” for “Department of the Environment” substitute “Department for Infrastructure”.

Amendment of the Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations

18. In regulation 1(2) (citation, commencement and interpretation) of the Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014(e) in the definition of “the Department” for “Department of the Environment” substitute “Department for Infrastructure”.

Amendment of the Road Passenger Transport (Qualifications of Operators) Regulations

19. In regulation 1(3) (citation, commencement and interpretation) of the Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014(f) in the definition of “the Department” for “Department of the Environment” substitute “Department for Infrastructure”.

(a) S.R. 2012 No. 248
(b) S.R. 2012 No. 257
(c) S.R. 2013 No. 115
(d) S.R. 2013 No. 287
(e) S.R. 2014 No. 180
(f) S.R. 2014 No. 206

Sealed with the Official Seal of the Department for Infrastructure on 21st January 2019



Elizabeth Loughran
A senior officer of the
Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Regulations)

Article 8(1) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (“the 2016 Order”), transferred departmental functions between Departments, including from the Department of the Environment (DoE) to the Department for Infrastructure (DfI), the Department for Communities and the Department of Agriculture, Environment and Rural Affairs. DoE was subsequently dissolved by the Departments Act (Northern Ireland) 2016.

However the 2016 Order did not specifically address subordinate legislation made under section 2(2) of the European Communities Act 1972. Accordingly, and for transparency, these Regulations are intended to clarify that statutory responsibility for the Statutory Rules hereby amended rests with DfI.

An Explanatory Memorandum has been produced and is available online alongside this Statutory Rule at <http://www.legislation.gov.uk/nisr>

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.90

NI201901221003 01/2019 19585

<http://www.legislation.gov.uk/id/nisr/2019/6>

ISBN 978-0-33-801023-0



9 780338 010230