

1989 No. 1377

ROAD TRAFFIC

**The Recovery Vehicles (Prescribed Purposes) Regulations
(Northern Ireland) 1989**

<i>Made - - - -</i>	<i>2nd August 1989</i>
<i>Laid before Parliament</i>	<i>11th August 1989</i>
<i>Coming into force</i>	<i>1st September 1989</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 34(1) and (2) and 35(1) of and paragraph 8(2)(e) and 8(3)(c) of Part I of Schedule 3 to the Vehicles (Excise) Act (Northern Ireland) 1972 (a), and of all other enabling powers, hereby makes the following Regulations:

1. These Regulations may be cited as the Recovery Vehicles (Prescribed Purposes) Regulations (Northern Ireland) 1989 and shall come into force on 1st September 1989.
2. The Recovery Vehicles (Prescribed Purposes) Regulations (Northern Ireland) 1987 (b) are hereby revoked.
3. The purposes specified in Schedule 1 to these Regulations are hereby prescribed for the purposes of paragraph 8(2) of Part I of Schedule 3 to the Vehicles (Excise) Act (Northern Ireland) 1972 ("the 1972 Act").
4. The purposes specified in Schedule 2 to these Regulations are hereby prescribed for the purposes of paragraph 8(3) of Part I of Schedule 3 to the 1972 Act.
5. In paragraph 2 of Schedule 1 "road" has the same meaning as in the Road Traffic (Northern Ireland) Order 1981 (c).

Signed by authority of the Secretary of State

2nd August 1989

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

(a) 1972 c.10 (N.I.). Paragraph 8 was added to Part I of Schedule 3 by the Finance Act 1987 (c.16), Schedule 1, Part II, paragraph 2, and was amended by section 4(3)(b), (c) and (d) of the Finance Act 1988 (c.39). Prior to S.I. 1973/2163, the responsible authority for the making of Regulations under the Vehicles (Excise) Act (Northern Ireland) 1972 was the Ministry of Home Affairs (see the definitions of "prescribed" and "Ministry" in s.35(1)). By virtue of S.I. 1973/2163 art. 2(1) and Schedule 1, S.I. 1976/1775, 1979/571 and 1981/238, the responsible authority is the Secretary of State for Transport.

(b) S.I. 1987/2121.

(c) S.I. 1981/154 (N.I. 1).

SCHEDULE 1

Regulation 3

PURPOSES PRESCRIBED FOR THE PURPOSES OF PARAGRAPH 8(2) OF PART I OF SCHEDULE 3 TO THE 1972 ACT

1. Carrying any person who, immediately before a vehicle becomes disabled, was the driver of or a passenger in that vehicle, together with his personal effects, from the premises at which that vehicle is to be repaired or scrapped to his original intended destination.
 2. At the request of—
 - (a) a constable, or
 - (b) a district council,empowered by or under statute to remove a vehicle from a road, removing such a vehicle to a place nominated by the constable or the district council.
 3. Proceeding to a place at which the vehicle will be available for use for either of the purposes specified in paragraph 8(2)(a) and (b) of Part I of Schedule 3 to the 1972 Act and remaining temporarily at such a place so as to be available for such use.
 4. Proceeding from—
 - (a) a place where the vehicle has remained temporarily so as to be available for such use;
 - (b) a place where the vehicle has recovered a disabled vehicle; or
 - (c) any premises mentioned in paragraph 8(2)(b) or (c) to which the vehicle has removed a disabled vehicle.
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SCHEDULE 2

Regulation 4

PURPOSES PRESCRIBED FOR THE PURPOSES OF PARAGRAPH 8(3) OF PART I OF SCHEDULE 3 TO THE 1972 ACT

1. Repairing a disabled vehicle at the place where it became disabled or to which it has been moved in the interests of safety after becoming disabled.
 2. Drawing or carrying one trailer if the trailer was immediately before a vehicle became disabled, being drawn or carried by the disabled vehicle.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and reenact the provisions of the Recovery Vehicles (Prescribed Purposes) Regulations (Northern Ireland) 1987. In addition they also prescribe four purposes for which recovery vehicles may be used, in addition to those specified in paragraph 8(2) of Part I of Schedule 3 to the 1972 Act, for the purposes of that provision.

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