
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 145

Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

Installation and use of recording equipment

3.—(1) A person shall not use, or cause or permit to be used, a vehicle to which this regulation applies—

- (a) unless there is in the vehicle recording equipment which—
 - (i) has been installed in accordance with the Community Recording Equipment Regulation,
 - (ii) complies with Annexes I and II to that Regulation, and
 - (iii) is being used as provided by Articles 13 to 15 of that Regulation; or
- (b) if there is in the vehicle recording equipment which has been repaired (whether before or after installation) otherwise than in accordance with the Community Recording Equipment Regulation,

and any person who contravenes this provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person shall not be liable to be convicted under paragraph (1)(a) if he proves to the court that he neither knew nor ought to have known that the recording equipment had not been installed or repaired, as the case may be, in accordance with the Community Recording Equipment Regulation.

(3) A person shall not be liable to be convicted under paragraph (1)(a) if he proves to the court that the vehicle in question was proceeding to a place where recording equipment which would comply with the requirements of Annexes I and II to the Community Recording Equipment Regulation was to be installed in the vehicle in accordance with that Regulation.

(4) A person shall not be liable to be convicted under paragraph (1)(a) by reason of the recording equipment installed in the vehicle in question not being in working order if he proves to the court that—

- (a) it had not become reasonably practicable for the equipment to be repaired by an approved fitter or workshop; and
- (b) the requirements of Article 16(2) of the Community Recording Equipment Regulation were being complied with.

(5) A person shall not be liable to be convicted under paragraph (1)(a) by reason of any seal on the recording equipment installed in the vehicle in question not being intact if he proves to the court that—

- (a) the breaking or removal of the seal could not have been avoided;
- (b) it had not become reasonably practicable for the seal to be replaced by an approved fitter or workshop; and
- (c) in all other respects the equipment was being used as provided by Articles 13 to 15 of the Community Recording Equipment Regulation.

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

(6) For the purposes of this regulation recording equipment is used as provided by Articles 13 to 15 of the Community Recording Equipment Regulation if, and only if, the circumstances of its use are such that each requirement of those Articles is complied with.

(7) This regulation applies at any time to any vehicle to which Part V of the Order applies if, at that time, Article 3 of the Community Recording Equipment Regulation requires recording equipment to be installed and used in that vehicle; and in this regulation and regulations 5 and 6 any expression which is also used in that Regulation has the same meaning as in that Regulation.