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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 234**

**ROAD TRAFFIC AND VEHICLES**

**Motor Vehicles (Type Approval) (Amendment)  
Regulations (Northern Ireland) 1999**

*Made* - - - - *17th May 1999*

*Coming into operation* *28th June 1999*

The Department of the Environment, in exercise of the powers conferred on it by Articles 31A(1), 31D(1), 31E(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(1) and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Motor Vehicles (Type Approval) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 28th June 1999.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(2).

**Amendments to regulation 2 (general interpretation)**

2. In regulation 2(1)(3) of the principal Regulations, after the definition of “ECE Regulation” there shall be inserted the following definitions—

““emissions or noise item” means an item in Part I of Schedule 1 in respect of which the subject matter specified in column (2) of that Part is “exhaust emissions” or “noise and silencers”;

“Framework Directive vehicle” means a vehicle to which these Regulations apply and is a “vehicle” within the meaning of Council Directive 70/156/EEC(4) as amended by Council Directive 87/403/EEC(5), Council Directive 92/53/EEC(6) and Commission Directive 93/81(7);”.

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- (1) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department”; Articles 31A, 31D and 31E were inserted by S.I. 1985/755 (N.I. 6), Article 3 and amended by S.R. 1993 No. 246, regulations 4, 5 and 6 respectively
- (2) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1987 No. 389, S.R. 1988 No. 405, S.R. 1990 No. 84, S.R. 1992 Nos. 86 and 508, S.R. 1995 No. 38 and S.R. 1996 No. 156
- (3) Regulation 2 was amended by S.R. 1992 No. 86, regulation 2(1) and (2)
- (4) O.J. No. L42, 23.2.70, p. 1
- (5) O.J. No. L220, 8.8.87, p. 44
- (6) O.J. No. L225, 10.8.92, p. 1
- (7) O.J. No. L264, 23.10.93, p. 49

### **Amendments to regulation 4 (type approval requirements — application)**

3.—(1) Regulation 4 of the principal Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) For paragraph (1A)(8), there shall be substituted the following paragraph—

“(1A) Subject to paragraph (3B), in relation to a particular vehicle—

- (a) a type approval requirement applicable to the vehicle at the date of manufacture shall continue to apply to it until it is registered; and
- (b) a type approval requirement which is applicable to vehicles as from a date after that vehicle was manufactured shall not apply to the vehicle unless the subject matter of the requirement is the same as that of a requirement applicable to it on the date it was manufactured.”.

(3) For paragraph (3A)(9) there shall be substituted the following paragraph—

“(3A) The provisions of paragraph (3) do not apply in respect of any emissions or noise item.”.

(4) After paragraph (3A) there shall be inserted the following paragraph—

“(3B) No emissions or noise item shall apply to a Framework Directive vehicle on or after the date specified in column (6) of the item.”.

(5) At the end of paragraph (4) there shall be added the words “; and for the purposes of this paragraph, items 2A and 2B shall be regarded as items having the same subject matter”.

(6) For paragraph (11)(10) there shall be substituted the following paragraph—

“(11) Schedules 1B and 1C (which treat certain emissions or noise items as if in certain circumstances specified dates were substituted for the entries in columns (5) and (6)) shall have effect.”.

### **Amendments to Schedule 1**

4.—(1) Part I of Schedule 1(11) to the principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) After item 2A there shall be inserted item 2B set out in Schedule 1.

(3) For item 4H(12) there shall be substituted item 4H set out in Schedule 1.

(4) After item 4L(13) there shall be inserted items 4M and 4N set out in Schedule 1.

(5) In item 14G(14), in column (6), there shall be inserted the words “28.6.99 (but see regulation 4(11) and Schedule 1C)”.

(6) After item 14H(15) there shall be inserted item 14I set out in Schedule 1.

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(8) Paragraph (1A) was inserted by [S.R. 1992 No. 508](#), regulation 2(2)(b) and substituted by [S.R. 1996 No. 156](#), regulation 2(1)

(9) Paragraph (3A) was inserted by [S.R. 1992 No. 508](#), regulation 2(2)(d) and substituted by [S.R. 1996 No. 156](#), regulation 2(4)

(10) Paragraph (11) was inserted by [S.R. 1990 No. 84](#), regulation 2(1) and substituted by [S.R. 1996 No. 156](#), regulation 2(5)

(11) Part I was inserted by [S.R. 1995 No. 38](#), regulation 6(1)

(12) Item 4H was inserted by [S.R. 1992 No. 508](#), regulation 2(3)(c) and Schedule 1 and substituted by [S.R. 1995 No. 38](#), regulation 6(2)(b) and Schedule 1

(13) Item 4L was inserted by [S.R. 1996 No. 156](#), regulation 3(2) and Schedule 1

(14) Item 14G was inserted by [S.R. 1995 No. 38](#), regulation 6(2)(h) and Schedule 1

(15) Item 14H was inserted by [S.R. 1996 No. 156](#), regulation 3(5) and Schedule 2

## Amendments to Schedule 1B

5.—(1) Schedule 1B(16) to the principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In Part I, for paragraphs 1(17) and 1A(17), there shall be substituted the following paragraphs—

“1. This Schedule has effect subject to Schedule 1C.

1A. Where an entry in column (5) or (6) of an item in Part I of Schedule 1 comprises the words “See regulation 4(11) and Schedule 1B” these Regulations shall have effect as if for that entry there were substituted the date determined in accordance with the following provisions of this Schedule.”

(3) In Part II(18), in the Table, in the heading to column (1) after the words “Item in” there shall be inserted the words “Part I of”.

(4) In that Table in column (2) in the entries relating to items 14E(19) and 14F(19) for the words “All vehicles” there shall in each case be substituted “All vehicles having 4 or more wheels”.

(5) Parts III(20) and IV(21) shall be omitted.

## New Schedule 1C

6. After Schedule 1B to the principal Regulations there shall be inserted Schedule 1C as set out in Schedule 2.

Sealed with the Official Seal of the Department of the Environment on

L.S.

17th May 1999.

*J. Ritchie*  
Assistant Secretary

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(16) Schedule 1B was inserted by S.R. 1990 No. 84, regulation 2(4) and amended by S.R. 1992 No. 508, regulation 2(4) to (6) and Schedules 2 and 3; S.R. 1995 No. 38, regulation 8 and Schedule 3 and S.R. 1996 No. 156, regulation 4

(17) Paragraph 1 was renumbered as paragraph 1A and a new paragraph 1 inserted by S.R. 1992 No. 508, regulation 2(4)(a) and paragraph 1 was substituted by S.R. 1995 No. 38, regulation 8(1)(a)

(17) Paragraph 1 was renumbered as paragraph 1A and a new paragraph 1 inserted by S.R. 1992 No. 508, regulation 2(4)(a) and paragraph 1 was substituted by S.R. 1995 No. 38, regulation 8(1)(a)

(18) Part II was substituted by S.R. 1992 No. 508, regulation 2(5) and Schedule 2 and amended by S.R. 1995 No. 38, regulation 8(2) and S.R. 1996 No. 156, regulation 4(2)

(19) Items 14E and 14F were inserted by S.R. 1996 No. 156, regulation 4(2)

(19) Items 14E and 14F were inserted by S.R. 1996 No. 156, regulation 4(2)

(20) Part III was inserted by S.R. 1992 No. 508, regulation 2(6) and Schedule 3

(21) Part IV was inserted by S.R. 1995 No. 38, regulation 8(3) and Schedule 3

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## SCHEDULE 1

Regulation 4

(1) <i>Item No.</i>	(2) <i>Subject matter</i>	(3) <i>Particulars of instrument or other document containing requirements and of the nature of the requirement</i>			(4) <i>Vehicles exempted from requirements</i>	(5) <i>Date of application</i>	(6) <i>Date of cessation of application</i>
		(a) <i>Description, reference number and date of instrument</i>	(b) <i>Official Journal reference of Community Instrument</i>	(c) <i>Nature of requirement and place in instrument where stated</i>			
2B	Electro-magnetic compatibility of vehicles	Commission Directive 95/54/EC of 31st October 1995.	L266, 8.11.95, p. 1.	Design and construction requirements in Annex I, paragraphs 6 and 8. Marking requirements in Annex I, paragraph 5.	Vehicles not propelled by spark ignition engines.	28.6.1999	
4H	Exhaust emissions	Council Directive 88/77/EEC of 3rd December 1987 as amended by Council Directive 91/542/EEC of 1st October 1991	L36, 9.2.88, p. 33, L295, 25.10.91, p. 1.	Design, construction and equipment requirements in Annex I, paragraph 6 (excluding line B in the Table in sub-paragraph 6.2.1).	1. Vehicles propelled by spark ignition engines. 2. Vehicles with less than 4 wheels if they are constructed not to exceed a speed of 30 mph on the level under their own power or if they have an unladen weight of	31.12.1992	28.6.1999 (but see regulation 4(11) and Schedule 1C)

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(1) Item No.	(2) Subject matter	(3) Particulars of instrument or other document containing requirements and of the nature of the requirement			(4) Vehicles exempted from requirements	(5) Date of application	(6) Date of cessation of application
		(a) Description, reference number and date of instrument	(b) Official Journal reference of Community Instrument	(c) Nature of requirement and place in instrument where stated			
					less than 400kg.		
					3. Vehicles fuelled by liquid petroleum gas.		
		or					
		ECE Regulation 49 of 15th April 1982 as amended on 14th May 1990 and 30th December 1992.		Design, construction and equipment requirements in paragraphs 5 and 6 (excluding line B in the Table in subparagraph 5.2.1).		1.4.1995	28.6.1999 (but see regulation 4(11) and Schedule 1C)
4M	Exhaust emissions	Council Directive <a href="#">88/77/EEC</a> of 3rd December 1987 as amended by Council Directive <a href="#">91/542/EEC</a> of 1st	L36, 9.2.88, p. 33 and L295, 25.10.91, p. 1.	Design, construction and equipment requirements in Annex I, paragraph 6 (excluding line A in the Table in subparagraph 6.2.1).	1. Vehicles propelled by spark ignition engines.	31.12.1992	
					2. Vehicles with less than 4 wheels if they are constructed not to exceed a speed of 30 mph on		

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		(a) Description, reference number and date of instrument	(b) Official Journal of Community Instrument	(c) Nature of requirement and place in instrument where stated			
			October 1991		the level under their own power or if they have an unladen weight of less than 400kg.		
			or		3. Vehicles fuelled by liquid petroleum gas.		
	ECE Regulation 49 of 15th April 1982 as amended on 14th May 1990 and 30th December 1992.		Design, construction and equipment December 1992. requirements in paragraphs 5 and 6 (excluding line A in the Table in subparagraph 5.2.1).		1.4.1995		
4N	Exhaust emissions	Council Directive 88/77/EEC of 3rd December	L36, 9.2.88, p. 33 L295, 25.10.91, p. 1, and L40,	Design, construction and equipment requirements in	1. Vehicle having— (a) an engine with a	28.6.1999	28.6.2000

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(1) Item No.	(2) Subject matter	(3) Particulars of instrument or other document containing requirements and of the nature of the requirement			(4) Vehicles exempted from requirements	(5) Date of application	(6) Date of cessation of application
		(a) Description, reference number and date of instrument	(b) Official Journal reference of Community Instrument	(c) Nature of requirement and place in instrument where stated			
		1987 as amended by Council Directive <a href="#">91/542/EEC</a> of 1st October 1991 and European Parliament and Council Directive 96/1 of 22nd January 1996.	17.2.96, p. 1.	Annex I, paragraph 6 (excluding line A in the Table in sub-paragraph 6.2.1).	(b) a cylinder capacity of not less than 700cc; and a rated power speed (within the meaning of Council Directive <a href="#">88/77/EEC</a> amended as specified in column 3(a) of more than 3,000 revolutions per minute.		
				2. Vehicles propelled by spark ignition engines.			

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(1) Item No.	(2) Subject matter	(3) Particulars of instrument or other document containing requirements and of the nature of the requirement			(4) Vehicles exempted from requirements	(5) Date of application	(6) Date of cessation of application
		(a) Description, reference number and date of instrument	(b) Official Journal reference of Community Instrument	(c) Nature of requirement and place in instrument where stated			

3. Vehicles with less than 4 wheels if they are constructed not to exceed a speed of 30 mph on the level under their own power or if they have an unladen weight of less than 400kg.

4. Vehicles fuelled by liquid petroleum gas.

14I	Noise and Silencers	Council Directive <a href="#">70/157/EEC</a> of 6th February 1970 as amended by Commission Directive <a href="#">73/350/EEC</a> of 7th	L42, 23.2.70, p. 16 (SE 1970(I), p. 111), L321, 22.11.73, p. 33, L66, 12.3.77, p. 33, L131, 18.5.81, p. 6, L196, 26.7.84, p. 47, L238,	Design, construction and equipment requirements in Annex I, paragraph 5. Marking requirements in Annex I,	28.6.1999		
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(1) <i>Item No.</i>	(2) <i>Subject matter</i>	(3) <i>Particulars of instrument or other document containing requirements and of the nature of the requirement</i>	(4) <i>Vehicles exempted from requirements</i>	(5) <i>Date of application</i>	(6) <i>Date of cessation of application</i>
		(a) <i>Description, Official reference number and date of instrument</i> (b) <i>Official Journal reference of Community Instrument</i> (c) <i>Nature of requirement and place in instrument where stated</i>			
		November 1973, Council Directive <a href="#">77/212/EEC</a> of 8th March 1977, Commission Directives <a href="#">81/334/EEC</a> of 13th April 1981, <a href="#">84/372/EEC</a> of 3rd July 1984 and Council Directives <a href="#">84/424/EEC</a> of 3rd September 1984 and <a href="#">92/97/EEC</a> of 10th November 1992 and Commission Directive <a href="#">96/20/EC</a> of 27th March 1996.	paragraph 3.		

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SCHEDULE 2

Regulation 6.

“SCHEDULE 1C

Regulation 4(11)

**PART I**

1.—(1) An emissions or noise item shall have effect in relation to a type approval end of series vehicle or a late entry into service vehicle as if for the entry or entries in column (6) in Part I of Schedule 1 there were substituted a reference to the first anniversary of the relevant date.

(2) For the purpose of this Schedule—

- (a) “type approval end of series vehicle” and “late entry into service vehicle” have the meanings given in Parts II and III of this Schedule;
- (b) “relevant date”, in relation to an emissions or noise item, means the date which, ignoring this Schedule, is the date specified in column (6) of the item.

**PART II**

**MEANING OF “TYPE APPROVAL END OF SERIES VEHICLE”**

**Meaning of “type approval end of series vehicle”**

2.—(1) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to an item, if it meets the requirements of sub-paragraph (2) in relation to the item.

(2) A vehicle meets the requirements of this sub-paragraph, in relation to the item, if—

- (a) it was manufactured during the two year period ending immediately before the relevant date;
- (b) no EC certificate of conformity has been issued in respect of the vehicle;
- (c) before the relevant date there was in force for the vehicle a certificate of conformity or a sub-DAC; and the DAC or TAC had been issued by virtue of an emissions or noise item that—
  - (i) then applied to the vehicle, but
  - (ii) ignoring this Schedule, would have ceased to apply immediately before that date under regulation 4;
- (d) it was in the territory of a relevant state at some time before the relevant date;
- (e) the number of relevant vehicles which were—
  - (i) manufactured before that vehicle was manufactured, and
  - (ii) still in existence on the relevant date,was less than the specified number or 50 (whichever is the greater).

(3) For the purposes of this paragraph—

- (a) “DAC”, in relation to a sub-DAC, means the Department’s approval certificate issued under Article 31A(4) of the Order by virtue of which the sub-DAC was issued;
- (b) “sub-DAC” means a Department’s approval certificate issued under Article 31A(5) of the Order;

- (c) “TAC”, in relation to a certificate of conformity, means the type approval certificate by virtue of which the certificate of conformity was issued.

### **Meaning of “relevant vehicle” for the purposes of this Part**

3.—(1) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) applies (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) in respect of which the following requirements are met.

The requirements are that—

- (a) it is a vehicle to which sub-paragraph (3) applies;
- (b) it meets the requirements specified in paragraphs (a) to (d) of paragraph 2(2);
- (c) it was manufactured by the manufacturer of the vehicle in question; and
- (d) it had not been registered under the Vehicle Excise and Registration Act 1994<sup>(22)</sup> before the relevant date.

(2) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) does not apply (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) in respect of which the following requirements are met.

The requirements are that—

- (a) it is a vehicle to which sub-paragraph (4) applies;
- (b) it meets the requirements specified in paragraphs (b) to (d) of sub-paragraph (1).

(3) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 88/77.

(4) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 83/351 not being a vehicle to which paragraph (3) applies.

### **Meaning of “specified number” for the purposes of this Part**

4.—(1) For the purposes of paragraph 2(2)(e), in relation to a particular vehicle (in this paragraph referred to as “the vehicle in question”) and a particular item to which sub-paragraph (3) applies, “the specified number” is 10% of the total number of vehicles to which those Regulations apply that were both—

- (a) manufactured by the manufacturer of the vehicle in question; and
- (b) registered under the Vehicles (Excise) Act (Northern Ireland) 1972<sup>(23)</sup>, the Vehicles (Excise) Act 1971<sup>(24)</sup>, or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the relevant date.

(2) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) does not apply (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles to which sub-paragraph (4) applies that were both—

- (a) manufactured by the manufacturer of the vehicle in question; and

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<sup>(22)</sup> 1994 c. 22

<sup>(23)</sup> 1972 c. 10 (N.I.)

<sup>(24)</sup> 1994 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31)

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(b) registered under the Vehicles (Excise) Act (Northern Ireland) 1972, the Vehicles (Excise) Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the relevant date.

(3) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 88/77.

(4) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 83/351 not being a vehicle to which paragraph (3) applies.

**Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part**

5.—(1) For the purposes of paragraph 2(2)(d)—

(a) at any material time before the 5th November 1993, “relevant state” means a member State;

(b) in relation to any time on or after 5th November 1993 but before 1st May 1995, “relevant state” means an EEA State other than Liechtenstein, and

(c) in relation to any time on or after 1st May 1995, “relevant state” means any EEA State.

(2) For the purposes of this paragraph—

“EEA agreement” means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the protocol signed at Brussels on the 17th March 1993; and

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

## PART III

### MEANING OF “LATE ENTRY INTO SERVICE VEHICLE” IN PART I

**Meaning of “late entry into service vehicle” in paragraph 1**

6.—(1) For the purposes of paragraph 1, a vehicle is a late entry into service vehicle, in relation to an item, if—

(a) no EC certificate of conformity has been issued in respect of the vehicle;

(b) it was in the territory of a relevant state at some time before the relevant date;

(c) it was manufactured at least two years before the relevant date;

(d) before the relevant date there was in force for the vehicle a certificate of conformity or a sub-DAC; and the DAC or TAC had been issued by virtue of an emissions or noise item that—

(i) then applied to the vehicle, but

(ii) ignoring this Schedule, would have ceased to apply immediately before that date under regulation 4.

(2) In this paragraph “DAC”, “sub-DAC” and “TAC” have the same meaning as in paragraph 2.

**Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this part**

7. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 6(1)(b) as it has effect for the purposes of paragraph 2(2)(d).”

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## EXPLANATORY NOTE

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

These Regulations further amend the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985 (“the 1985 Regulations”).

Regulation 2 inserts definitions of “emissions or noise item” and “Framework Directive vehicle” into regulation 2 of the 1985 Regulations.

Regulation 3 amends the provisions relating to the applicability of type approval requirements, as contained in regulation 4 of the 1985 Regulations, in relation to emissions and noise.

Regulation 4 amends the type approval requirements set out in Schedule 1 to the 1985 Regulations in relation to exhaust emissions, noise and silencers and electromagnetic compatibility of vehicles.

Regulation 5 makes certain changes to Schedule 1B (modification of applicable dates of type approval requirements) to the 1985 Regulations.

Regulation 6 inserts into the 1985 Regulations a new Schedule 1C which modifies the effect of those Regulations in relation to “end of series vehicles” and “late entry into service vehicles” as defined in that Schedule.

Copies of the relevant Directives and ECE Regulations referred to in these Regulations can be obtained from The Stationery Office, 16 Arthur Street, Belfast BT1 4GD.