
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 235

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment
No. 4) 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 55(1), (2) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995⁽¹⁾ and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 4) Regulations (Northern Ireland) 1999 and shall come into operation on 28th June 1999.

(2) The Department is satisfied that it is requisite that regulations 3, 4, 7 and 9 of these Regulations shall apply as from 28th June 1999 to vehicles registered under the Vehicle Excise and Registration Act 1994⁽²⁾ before the expiration of one year from the making of these Regulations, and that no undue hardship or inconvenience will be caused by their application then to those vehicles.

(3) In these Regulations “the principal Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989⁽³⁾.

Amendments to regulation 2 (interpretation)

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

(2) In paragraph (1), after the definition of “agricultural motor vehicle”, there shall be inserted the following definition—

““agricultural or forestry tractor” means an agricultural or forestry tractor within the meaning of Community Directive⁽⁴⁾ 82/890⁽⁵⁾.”.

(1) S.I. 1995/2994 (N.I. 18)

(2) 1994 c. 22

(3) S.R. 1989 No. 299; relevant amending regulations are S.R. 1991 Nos. 147 and 420, S.R. 1992 Nos. 111, 373 and 509, S.R. 1993 Nos. 39 and 247, S.R. 1994 Nos. 231 and 452, S.R. 1995 No. 94 and S.R. 1996 No. 275

(4) The definition of Community Directive was amended by S.R. 1991 No. 147, regulation 2(1)(b)

(5) O.J. No. L378, 31.12.82, p. 45

- (3) In paragraph (2), at the appropriate place, there shall be inserted the following definition—
 ““Framework Directive” means Council Directive 70/156/EEC(6) as amended by Council Directive 87/403/EEC(7), Council Directive 92/53/EEC(8) and Commission Directive 93/81(9).”.

Amendments to regulation 56 (silencers — general)

3.—(1) Regulation 56 of the principal Regulations shall be amended in accordance with paragraph (2).

(2) In paragraph (3)—

- (a) for “or 84/424” there shall be substituted “, 84/424 or 92/97 or ECE Regulation 51.02”, and
 (b) after “78/1015” there shall be inserted “, 87/56 or 89/235”.

Amendments to regulation 57 (noise limits — general)

4.—(1) Regulation 57 of the principal Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) For the heading there shall be substituted—

“Noise limits — certain vehicles with 3 or more wheels — general”.

(3) In paragraph (1), for the words “paragraph (2)” there shall be substituted the words “paragraphs (1A) and (2)”.

(4) After paragraph (1) there shall be inserted the following paragraph—

“(1A) This regulation does not apply to a vehicle to which an item in the Table in regulation 57A applies.”.

(5) After paragraph (6) there shall be inserted the following paragraph—

“(6A) A vehicle shall be deemed to satisfy the requirements of this regulation if it is so constructed that it complies with the requirements specified in column 4 of item 2 in the Table in regulation 57A as they apply to a vehicle first used on the date specified in column 3 of that item.”.

(6) In paragraph (7) for “84/424” there shall be substituted “84/424 or 92/97 or 96/20 or ECE Regulation 51.02”.

New regulation 57A (noise limits — vehicles first used on or after 28th June 1999)

5. After regulation 57 of the principal Regulations there shall be inserted the following regulation—

“Noise limits — certain vehicles first used on or after 28th June 1999 — general

57A.—(1) A motor vehicle to which an item in the Table applies shall be so constructed that it meets the requirements specified in column 4 of that item; and an item in that Table applies to a vehicle if it is of the description specified in column 2 of that item.

This paragraph has effect subject to the following provisions of this regulation, regulation 61 and Schedule 6XA.

(6) O.J. No. L42, 23.2.70, p. 1

(7) O.J. No. L220, 8.8.87, p. 44

(8) O.J. No. L225, 10.8.92, p. 1

(9) O.J. No. L264, 23.10.93, p. 49

TABLE

1 <i>Item</i>	2 <i>Vehicles to which the item applies</i>	3 <i>Earliest date of first use (see column 2)</i>	4 <i>The requirements</i>	5 <i>Modification of Community Directives in relation to special vehicles (see paragraph (4) (c))</i>
1	<p>1. All motor vehicles with less than 4 wheels and first used on or after the date specified in column 3 of this item.</p> <p>2. All special vehicles first used on or after the date specified in column 3 of this item.</p> <p>3. All motor vehicles first used on or after the date specified in column 3 of this item with a maximum speed not exceeding 25 km/hr.</p>	28.6.99	<p>The requirements of—</p> <p>(a) regulation 57 as they would apply to the vehicle but for paragraph (1A) of that regulation; or</p> <p>(b) paragraphs 3 and 5.2 of Annex I to Community Directive 92/97 or 96/20.</p>	<p>For paragraph 5.2.2.1 of Annex I, substitute—</p> <p>“The sound level measured in accordance with 5.2.2.2 to 5.2.2.5 of this Annex shall not exceed—</p> <p>(a) in the case of vehicles with engine power of less than 75 kW, 84 dB(A);</p> <p>(b) in the case of vehicles with engine power not less than 75 kW, 86 dB(A);”.</p> <p>(c)</p>
2	<p>All motor vehicles first used on or after the date specified in column 3 of this item, not being a vehicle to which item 1 applies.</p>	28.6.99	<p>The requirements of paragraphs 3 and 5 of Annex I to Community Directive 92/97 or 96/20.</p>	

- (2) Paragraph (1) does not apply to—
 - (a) a vehicle with less than 3 wheels; or
 - (b) a vehicle of a description mentioned in regulation 57(2).
- (3) In this regulation, “special vehicle” means a vehicle which is—
 - (a) engineering plant;
 - (b) a locomotive other than an agricultural motor vehicle;
 - (c) a motor tractor other than an industrial tractor or an agricultural motor vehicle;
 - (d) a public works vehicle; or
 - (e) a works truck.
- (4) For the purposes of this regulation—
 - (a) subject to sub-paragraphs (b), (c), (d) and (e), the Community Directives referred to in this regulation shall have effect in relation to a vehicle that is not a “vehicle” within the meaning of the Framework Directive but is of a class of a description specified in column 2 of an item in the Table in regulation 13 (whether or not regulation 13 applies to the vehicle) as it has effect in relation to a vehicle of a category specified in column 3 of that item;
 - (b) subject to sub-paragraphs (c), (d) and (e), a vehicle that does not fall within sub-paragraph (a) and is not a “vehicle” within the meaning of the Framework Directive shall be regarded as meeting the requirements of paragraph 5.2 of Annex I to Community Directive 92/97 or 96/20 in item 1 of the Table or paragraph 5 of Annex I to those Directives in item 2 of the Table if it meets—
 - (i) the requirements of that paragraph as it applies to a vehicle in category M₁ or N₁ within the meaning of the Community Directive; or
 - (ii) the requirements of that paragraph as it applies to a vehicle that is not in either of those categories;
 - (c) subject to sub-paragraphs (d) and (e), in relation to a special vehicle the Community Directives mentioned in column 4 of an item in the Table shall have effect with the modifications (if any) specified in column 5 of the item;
 - (d) a requirement in paragraph 5.2.2.1 of Annex I to Community Directive 92/97 for a sound level not to exceed a specified limit in specified circumstances shall be read as a requirement for the sound level not to exceed that limit by more than the amount mentioned in paragraph 4.1 of Annex V to the Community Directive in those circumstances;
 - (e) a requirement in paragraph 5.2.2.1 of Annex I to Community Directive 96/20 for a sound level not to exceed a specified limit in specified circumstances shall be read as a requirement for the sound level not to exceed that limit by more than the amount mentioned in paragraph 4.1 of Annex III to the Directive in those circumstances.
- (5) Instead of complying with paragraph (1) a vehicle may comply at the time of its first use—
 - (a) in the case of a vehicle to which item 1 of the Table applies, with Community Directive 77/212, 81/334, 84/424, 92/97 or 96/20 or ECE Regulation 51.02; or
 - (b) in the case of a vehicle to which item 2 of the Table applies, with Community Directive 92/97 or 96/20 or ECE Regulation 51.02.”.

Amendment to regulation 61 (exceptions to certain regulations)

6. In regulation 61 of the principal Regulations, after “57,” there shall be inserted “57A,”.

Amendments to regulation 62 (radio interference suppression)

7.—(1) Regulation 62 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) For paragraph (1) there shall be substituted the following paragraphs—

“(1) Subject to paragraphs (1B), (1D), 1(E) and (2)—

- (a) every vehicle to which this sub-paragraph applies shall be so constructed that it complies with the requirements of paragraph 6 of Annex I to Community Directive 72/245 or paragraph 6 (as read with paragraph 8) of Annex I to Community Directive 95/54 (whether or not those Community Directives apply to the vehicle); and
- (b) every agricultural and forestry tractor which is propelled by a spark ignition engine and is first used on or after 1st April 1974 shall be so constructed that it meets the requirements of paragraph 6 of Community Directive 72/245, 75/322 or 95/54.

(1A) Paragraph (1)(a) applies to every wheeled vehicle which is propelled by a spark ignition engine and—

- (a) is first used on or after 1st April 1974 and before 1st January 1996; or
- (b) is first used on or after 1st January 1996 and is a “vehicle” within the meaning of the Framework Directive.

(1B) For the purposes of paragraph (1)—

- (a) a requirement in paragraph 6.2.2 of Community Directive 72/245 or 75/322 for any description of radiation level not to exceed a specified limit when measured in specified circumstances shall be read as a requirement for that description level not to exceed that limit by more than the amount mentioned in paragraph 9.2 of those Community Directives when measured in those circumstances; and
- (b) a requirement in paragraph 6.2.2 or 6.3.2 of Community Directive 95/54 for any description of radiation level not to exceed a specified limit when measured in specified circumstances shall be read as a requirement for that description of radiation level not to exceed that limit by more than the amount mentioned in paragraph 7.3.1 of the Community Directive when measured in those circumstances.

(1C) Subject to paragraph (1F), on and after 1st October 2002 no person shall use or cause or permit to be used on a road a vehicle—

- (a) in respect of which an EC certificate of conformity has been issued; and
- (b) which is fitted with any electrical/electronic sub-assembly that was not fitted to the vehicle when the certificate was issued,

unless the electric/electronic sub-assembly is marked in accordance with the requirements of Community Directive 95/54/EC.

(1D) Instead of complying with paragraph (1)(a) a vehicle may comply at the time of first use with Community Directive 72/245 or 95/54 or ECE Regulation 10 or 10.01.

(1E) Instead of complying with paragraph (1)(b) a vehicle may comply at the time of first use with Community Directive 75/322.

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(1F) Paragraph (1C) shall not apply to a vehicle of a type described in article 2(6) of Community Directive 95/54/EC(10); and for the purposes of this paragraph “type” has the same meaning as in article 2(6) of that Directive.”.

(3) After paragraph (2) there shall be added the following paragraph—

“(3) In this regulation “electrical/electronic sub-assembly” has the same meaning as in Community Directive 95/54.”.

Amendments to regulation 63 (emission of smoke, vapour, gases, oily substances etc.)

8.—(1) Regulation 63 of the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (7)(11), “(7A),” shall be omitted.

(3) Paragraph (7A)(12) shall be omitted.

(4) In paragraph (11)(13), at the beginning there shall be inserted the words “Subject to Schedule 6XA,”.

Amendments to Schedule 1

9.—(1) In Table I of Schedule 1 to the principal Regulations, for items 54B to 56(14) there shall be substituted the following items—

“55	88/195	24.3.88	L92, 9.4.88, p. 50	Engine power of motor vehicles	80/1269	
55A	88/218	11.4.88	L98, 15.4.88, p. 48	The weights, dimensions and other technical characteristics of certain road vehicles	85/3 as amended by 86/360	
55B	88/321	16.5.88	L147, 14.6.68, p. 77	Mirrors	71/127 as amended by 79/795, 85/205 and 86/562	10C
55C	88/366	17.5.88	L181, 12.7.88, p. 40	Field of vision of motor	77/649 as amended by 81/643	

(10) O.J. No. L266, 8.11.95, p. 1

(11) Paragraph (7) was inserted by S.R. 1991 No. 420, regulation 7(3) and amended by S.R. 1992 No. 509, regulation 5(4)

(12) Paragraph (7A) was inserted by S.R. 1992 No. 509, regulation 5(3)

(13) Paragraph (11) was inserted by S.R. 1991 No. 420, regulation 7(3) and amended by S.R. 1992 No. 509, regulation 5(5) and S.R. 1994 No. 231, regulation 2(2)

(14) Item 54B was inserted by S.R. 1993 No. 247, regulation 7(1)(a); items 55 and 56 were inserted by S.R. 1991 No. 420, regulation 8(1) and item 55B was inserted by S.R. 1992 No. 509, regulation 11(3)

56	88/436	16.6.88	L124, 6.8.88, p. 1	vehicle drivers Measures to be taken against air pollution by gases from engines of motor vehicles (restriction of particulate pollution emissions from diesel engines)	70/220 as amended by 74/290, 77/102, 78/665, 83/351 and 88/76	4D”
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(2) In that Table, after item 71(15) there shall be inserted the following items—

“72	92/97	10.11.92	L371, 19.12.92, p. 1	Permissible sound level and the exhaust system of motor vehicles	70/157 as amended by 73/350, 77/212, 81/334, 84/372 and 84/424	14G
73	95/54	31.10.95	L266, 8.11.95, p. 1	The suppression of radio interference of motor vehicles	72/245	2B
74	96/1	22.1.96	L40, 17.2.96, p. 1	Measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles	88/77 as amended by 91/542	4N
75	96/20	27.3.96	L92, 13.4.96, p. 23	Permissible sound level and the exhaust system	70/157 as amended by 73/350, 77/212, 81/334,	14I”

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of motor vehicles 84/372, 84/424 and 92/97

(3) In Table II of Schedule 1, items “21C”, “21D” and “21E”(16) shall be renumbered as items “21AA”, “21AB” and “21C” respectively.

(4) In that Table, after item 21AB as so renumbered there shall be inserted the following item—

“21BA	51.02	51	18.4.95	Noise emissions from motor vehicles having at least 4 wheels	—	14E”
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New Schedule 6XA

10. After Schedule 6 there shall be inserted Schedule 6XA as set out in the Schedule to these Regulations.

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

L.S.

17th May 1999.

J. Ritchie
Assistant Secretary

(16) Item 21C was inserted as item 21AA by S.R. 1992 No. 509, regulation 12(c) and renumbered by S.R. 1994 No. 231, regulation 3(2)(a); item 21D was inserted by S.R. 1994 No. 231, regulation 3(2)(a); and item 21E was inserted as item 21B by S.R. 1992 No. 111, regulation 19(2)(f), renumbered as item 21C by S.R. 1993 No. 247, regulation 7(2); and renumbered as item 21E by S.R. 1994 No. 231, regulation 3(2)(a)

SCHEDULE

Regulation 10.

“SCHEDULE 6XA

Regulations 57A(1) and 63(11)

End of Series Exemptions

PART I

**MODIFICATION OF REGULATIONS 57A AND
63 IN RELATION TO END OF SERIES VEHICLES**

Modification of regulations 57A and 63

1.—(1) An item numbered 2 or higher in the Table in regulation 57A shall not apply to—

- (a) a type approval end of series vehicle;
- (b) a non-type approval end of series vehicle; or
- (c) a late entry into service vehicle,

if it is first used before the first anniversary of the date specified in column 3 of the item.

(2) An item numbered 8, 9 or 11 in Table II of regulation 63(17) shall not apply to a type approval end of series vehicle if it is first used before the first anniversary of the date specified in column 3 of the item.

(3) An item numbered 9 or 11 in Table II of regulation 63 shall not apply to a non-type approval end of series vehicle if it is first used before the first anniversary of the date specified in column 3 of the item.

(4) An item numbered 10 or higher (other than 11) in Table II of regulation 63 shall not apply to—

- (a) a type approval end of series vehicle;
- (b) a non-type approval end of series vehicle; or
- (c) a late entry into service vehicle,

if it is first used before the first anniversary of the date specified in column 3 of the item.

(5) Parts II, III, and IV of this Schedule shall have effect for the purpose of interpreting the expressions “type approval end of series vehicle”, “non-type approval end of series vehicle” and “late entry into service vehicle” respectively for the purposes of this paragraph.

PART II

MEANING OF “TYPE APPROVAL END OF SERIES VEHICLE” IN PART I

Meaning of “type approval end of series vehicle” for the purposes of paragraph 1

2.—(1) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to item 8, 9 or 11 in Table II in regulation 63, if it meets the requirements of sub-paragraph (3) in relation to the item.

(2) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to an item numbered 2 or higher in the Table in regulation 57A or an item numbered 10 or higher

(17) Table II was substituted by [S.R. 1994 No. 231](#), regulation 2(4)

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(other than item 11) in Table II in regulation 63 if by virtue of Schedule 1C to the Northern Ireland Regulations (which Schedule in certain circumstances defers the date on which certain requirements relating to exhaust emissions, noise and silencers cease to apply) the type approval requirements that applied to the vehicle on the date specified in column 3 of the item are the same as the type approval requirements that applied to the vehicle immediately before the date so specified in that column of that item.

- (3) A vehicle meets the requirements of this sub-paragraph, in relation to the item, if—
- (a) it was manufactured during the relevant period;
 - (b) one of the following conditions is satisfied—
 - (i) a certificate of conformity was issued in respect of the vehicle before the date specified in column 3 of the item by virtue of a TAC issued before the date specified in column 4 of the Table in paragraph 6 in relation to the item, or
 - (ii) a sub-DAC was issued in respect of the vehicle before the date specified in column 3 of the item by virtue of a DAC issued before the date specified in column 4 of that Table;
 - (c) it was in the territory of a relevant state at some time before the date specified in column 3 of the item; and
 - (d) the number of relevant vehicles which were—
 - (i) manufactured before that vehicle was manufactured, and
 - (ii) still in existence on the date specified in column 3 of that item, was less than the specified number, or 50, (whichever is the greater).
- (4) For the purposes of sub-paragraph (3)—
- (a) “DAC” means a Department’s approval certificate issued under Article 31A(4)(18) of the 1981 Order;
 - (b) “sub-DAC” means a Department’s approval certificate issued under Article 31A(5)(18) of the 1981 Order; and
 - (c) “TAC” means a type approval certificate.

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

3. For the purposes of paragraph 2(3)(d) in relation to a particular vehicle to which the Northern Ireland Regulations 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) which—

- (a) is a vehicle to which those Regulations apply;
- (b) meets the requirements specified in paragraphs (a) to (c) of paragraph 2(3);
- (c) was manufactured by the manufacturer of the vehicle in question; and
- (d) had not been registered under the Vehicle Excise and Registration Act 1994(19) before the date specified in column 3 of the item.

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

4. For the purposes of paragraph 2(3)(d), in relation to a particular vehicle to which the Northern Ireland Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular

(18) Article 31A was inserted by S.I. 1985/755 (N.I. 6), Article 3

(18) Article 31A was inserted by S.I. 1985/755 (N.I. 6), Article 3

(19) 1994 c. 22

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item, “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⁽²⁰⁾, the Vehicles (Excise) Act 1971⁽²¹⁾ or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the date specified in column 3 of the item.

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(3)(c)—

- (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.

Meaning of “relevant period” for the purposes of this Part

6. For the purposes of this Part, “the relevant period” in relation to an item numbered 8, 9, or 11 in Table II in regulation 63 is the period—

- (a) beginning on the date specified in column 2 of the Table below against that item; and
- (b) ending immediately before the date specified in column 3 of the Table below against that item.

TABLE

1	2	3	4	5
<i>Item in Table II in regulation 63</i>	<i>Date on which the relevant period begins</i>	<i>Date immediately before which the relevant period ends</i>	<i>Date before which type approval etc. needs to be granted</i>	<i>Date in column 3 of Table II in regulation 63</i>
8	1st August 1990	1st September 1992	1st July 1992	31st December 1992
9	1st April 1991	1st October 1993	1st October 1993	1st October 1993
11	1st August 1992	1st August 1994	1st October 1993	1st October 1994

⁽²⁰⁾ 1972 c. 10 (N.I.)

⁽²¹⁾ 1971 c. 10; the Act was extended to Northern Ireland by Section 10 of the Finance Act 1991 (c. 31)

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PART III

MEANING OF “NON-TYPE APPROVAL END OF SERIES VEHICLE” IN PART I

Meaning of “non-type approval end of series vehicle” in paragraph 1

7.—(1) For the purposes of paragraph 1 a vehicle is a non-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 is a vehicle to which the Northern Ireland Regulations do not apply;
 - (b) it was manufactured during the relevant period;
 - (c) no EC certificate of conformity has been issued in respect of the vehicle;
 - (d) it was in the territory of a relevant state at some time before the end of the relevant period; and
 - (e) the number of relevant vehicles which were both—
 - (i) manufactured before that vehicle was manufactured, and
 - (ii) still in existence on the date specified in column 3 in the item,is less than the specified number, or 50, whichever is the greater.

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

8. For the purposes of paragraph 7(2)(e), in relation to a particular vehicle (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) which—

- (a) meets the requirements specified in paragraphs (a) to (d) of paragraph 7(2);
- (b) is a “vehicle” within the meaning of either Community Directive 70/220(22) (as amended by Community Directive 83/351(23) or Community Directive 88/77(24));
- (c) was manufactured by the manufacturer of the vehicle in question;
- (d) had not been registered under the Vehicles (Excise) Act (Northern Ireland) 1972, the Vehicles (Excise) Act 1971 or the Vehicle Excise and Registration Act 1994 during the relevant period.

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

9.—(1) For the purposes of paragraph 7(2)(e), in relation to a particular vehicle (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 that—

- (a) are vehicles to which the Northern Ireland Regulations do not apply; and
 - (b) meet the requirements of sub-paragraph (2).
- (2) A vehicle meets the requirements of this paragraph if it—
- (a) is a “vehicle” within the meaning of either Community Directive 83/351 or Community Directive 88/77;
 - (b) was manufactured by the manufacturer of the vehicle in question; and

(22) O.J. No. L76, 6.4.72, p. 1

(23) O.J. No. L197, 20.7.83, p. 1

(24) O.J. No. L36, 9.2.88, p. 33

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- (c) was 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 date specified in column 3 of that item.

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

10. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 7(2)(d) as it has effect for the purposes of paragraph 2(3)(c).

Meaning of “relevant period” for the purposes of this Part

11. For the purposes of paragraph 7(2)(d), “the relevant period”—
- (a) in relation to an item numbered 9 or 11 in Table II in regulation 63 is the period—
 - (i) beginning on the date specified in column 2 of the Table below against the item, and
 - (ii) ending immediately before the date specified in column 3 of the Table below against the item; and
 - (b) in relation to any item in the Table in regulation 57A or any item numbered 10 or higher (other than 11) in the said Table II is the two year period ending immediately before the date specified in column 3 of that item.

TABLE

1	2	3	4
<i>Item in Table II in regulation 63</i>	<i>Date on which the relevant period begins</i>	<i>Date immediately before which the relevant period ends</i>	<i>Date in column 3 of Table II in regulation 63</i>
9	1st April 1991	1st October 1993	1st October 1993
11	1st August 1992	1st August 1994	1st October 1994

PART IV

MEANING OF “LATE ENTRY INTO SERVICE VEHICLE” ON PART I

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

12. 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 date specified in column 3 of the item;
 - (c) it was manufactured at least two years before that date.

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

13. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 12(b) as it has effect for the purposes of paragraph 2(3)(c).”

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989 (“the 1989 Regulations”).

Regulation 56 of the 1989 Regulations, which contains requirements concerning exhaust systems, is amended so as to allow certain vehicles to comply with Directive [92/97/EEC](#) or ECE Regulation 51.02 and certain other vehicles to comply with Directive [87/56/EEC](#) or [89/235/EEC](#), instead of regulation 56(1).

Subject to exceptions, regulation 57 of the 1989 Regulations requires vehicles with at least 3 wheels to be so constructed that they meet specified noise limits and their silencers meet specified requirements. The regulation is amended so that (except as described below) it does not apply to vehicles first used on or after 28th June 1999. The regulation is also amended so that vehicles first used before 28th June 1999 have the option of complying with the new regulation 57A which is inserted by these Regulations.

Subject to exceptions, regulation 57A requires vehicles first used on or after 28th June 1999 to be so constructed as to meet the noise limitation requirements specified in Council Directive [70/157/EEC](#) as amended by Council Directive [92/97/EEC](#) or as amended by Commission Directive [96/20/EC](#). Certain vehicles first used on or after 28th June 1999 have the option of complying with this regulation or with regulation 57. The amendments exempt a vehicle from the new and existing requirements of these regulations if it is officially approved under Directive [92/97/EEC](#), [96/20/EC](#) or ECE Regulation 51.02.

Regulation 62(1) requires certain vehicles to comply at the time of first use with Council Directive [72/245/EEC](#) (on the suppression of radio interference produced by spark ignition engines fitted to motor vehicles), with that Directive as amended by Commission Directive [89/491/EEC](#) or with ECE Regulation 10 or 10.01. Regulation 62 is amended so that paragraph (1) will not apply to a vehicle first used on or after 1st January 1996 unless it falls within the definition of “vehicle” in Council Directive [70/156/EEC](#) on the type approval of motor vehicles and their trailers (as amended) or is an agricultural motor vehicle. Paragraph (1) is amended so that vehicles to which the paragraph applies have the option of complying at the time of first use with Council Directive [72/245/EEC](#) as further amended by Commission Directive [95/54/EC](#) instead of with existing requirements. Regulation 5 of the 1989 Regulations sets out the circumstances when a vehicle is to be regarded as complying with a Directive at the time of first use.

These Regulations also insert a new paragraph (1C) in regulation 62, which has effect as from 1st October 2002 and applies (with exceptions) to vehicles for which EC certificates of conformity have been issued. It makes it unlawful for a vehicle to which the paragraph applies to be fitted with any electrical/electronic sub-assembly that was not fitted to the vehicle when the certificate was issued unless the sub-assembly is marked in accordance with Directive [72/245/EEC](#) as amended by Commission Directive [95/54/EC](#).

Regulations 57A and 63 are modified by a new Schedule 6XA, inserted by these Regulations, in relation to “end of series vehicles” and “late entry into service vehicles” as defined by that Schedule.

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

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