
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 454

**Motor Vehicles (Construction and Use)
Regulations (Northern Ireland) 1999**

Part II

Construction, Equipment and Maintenance of Vehicles

B —

Brakes

Braking systems of certain vehicles first used on or after 1st April 1983

20.—(1) Subject to paragraphs (6), (7) and (10), the braking system of a wheeled vehicle of a class specified in an item in column 2 of the Table which in the case of a motor vehicle, is first used on or after 1st April 1983 or which, in the case of a trailer, is manufactured on or after 1st October 1982, shall comply with the construction, fitting, and performance requirements specified in Annexes I, II and VII to Community Directive 79/489, and if relevant, Annexes III, IV, V, VI and VIII to that Directive, in relation to the category of vehicles specified in that item in column 3.

Provided that it shall be lawful for any vehicle of such a class which, in the case of a motor vehicle, was first used before 1st April 1983 or which, in the case of a trailer, was manufactured before 1st October 1982 to comply with the said requirements instead of complying with regulations 21 and 22.

(2) Subject to paragraphs (6), (7)(b) and (c), (8), (9), (10), (11) and (12), the braking system of a wheeled vehicle of a class specified in an item in column 2 of the Table which in the case of a motor vehicle, is first used on or after the relevant date or which, in the case of a trailer, is manufactured on or after the relevant date shall comply with the construction, fitting, and performance requirements specified in Annexes I, II and VII to Community Directive 85/647, and if relevant, Annexes III, IV, V, VI, VIII, X, XI and XII to that Directive, in relation to the category of vehicles specified in that item in column 3.

Provided that it shall be lawful for any vehicle of such a class which, in the case of a motor vehicle, was first used before the relevant date or which, in the case of a trailer, was manufactured before the relevant date, to comply with the said requirements instead of complying with paragraph (1), or with regulations 21 and 22.

(3) In paragraph (2), the relevant date in relation to a vehicle of a class specified in item 1 or 2 of the Table is 1st April 1990, in relation to a vehicle specified in item 4 of that Table is 1st April 1992, in relation to a vehicle specified in items 7, 8, 9 or 10 of that Table is 1st October 1988 and in relation to a vehicle of any other class is 1st April 1989.

(4) Save as provided in paragraphs (6), (7), (8) and (11), the braking system of every wheeled vehicle of a class specified in an item in column 2 of the Table which in the case of a motor vehicle is first used on or after 13th April 1992 or which in the case of a trailer is manufactured on or after 13th October 1991 shall comply with the construction, fitting and performance requirements specified

in Annexes I, II and VII to Community Directive 88/194, and if relevant, Annexes III, IV, V, VI, VIII, X, XI and XII to that Directive, in relation to the category of vehicles specified in that item in column 3.

Provided that it shall be lawful for any vehicle of such a class which, in the case of a motor vehicle was first used before 13th April 1992 or which, in the case of a trailer, was manufactured before 13th October 1991, to comply with the said requirements instead of complying with paragraph (1) or (2), or with regulations 21 and 22.

(5) Save as provided in paragraphs (6), (7)(b) and (c), (8) and (11), the braking system of every wheeled vehicle of a class specified in an item in column 2 of the Table which, in the case of a motor vehicle, is first used on or after 1st May 1997 or which, in the case of a trailer, is manufactured on or after that date, shall comply with the construction, fitting and performance requirements specified in Annexes I, II, and VII to Community Directive 91/422 and, if relevant, Annexes III, IV, V, VI, VIII, X, XI and XII to that Directive, in relation to the category of vehicles specified in that item in column 3.

Provided that it shall be lawful for any vehicle of such a class which, in the case of a motor vehicle, was first used before 1st May 1997 or which, in the case of a trailer, was manufactured before that date to comply with the said requirements instead of complying with paragraph (1), (2) or (4) or with regulations 21 and 22.

TABLE

(regulation 20(1) and (2))

(1) <i>Item</i>	(2) <i>Class of vehicle</i>	(3) Vehicle Category in the Community Directive
1.	Passenger vehicles and dual-purpose vehicles which have 3 or more wheels except— (a) dual-purpose vehicles constructed or adapted to carry not more than 2 passengers exclusive of the driver; (b) motor cycles with sidecar attached; (c) vehicles with 3 wheels, an unladen weight not exceeding 410 kg, a maximum design speed not exceeding 50 km/h and an engine capacity not exceeding 50 cc; (d) buses.	M1
2.	Buses having a maximum gross weight which does not exceed 5,000 kg.	M2
3.	Buses having a maximum gross weight which exceeds 5,000 kg.	M3

(1) Item	(2) Class of vehicle	(3) Vehicle Category in the Community Directive
4.	Dual purpose vehicles not within item 1; and goods vehicles, having a maximum gross weight which does not exceed 3,500 kg, and not being motor cycles with a sidecar attached.	N1
5.	Goods vehicles with a maximum gross weight which— exceeds 3,500 kg but does not exceed 12,000 kg.	N2
6.	exceeds 12,000 kg. Trailers with a maximum total design axle weight which —	N3
7.	does not exceed 750 kg.	O1
8.	exceeds 750 kg but does not exceed 3,500 kg.	O2
9.	exceeds 3,500 kg but does not exceed 10,000 kg.	O3
10.	exceeds 10,000 kg.	O4

- (6) The requirements specified in paragraphs (1), (2), (4) and (5) do not apply to—
- (a) an agricultural trailer or agricultural trailed appliance that is not, in either case, drawn at a speed exceeding 20 mph;
 - (b) a locomotive;
 - (c) a motor tractor;
 - (d) an agricultural motor vehicle unless it is first used after 1st June 1986 and is driven at more than 20 mph;
 - (e) a vehicle which has a maximum speed not exceeding 25 km/h;
 - (f) a works trailer;
 - (g) a works truck;
 - (h) a public works vehicle;
 - (i) a trailer designed and constructed, or adapted, to be drawn exclusively by a vehicle to which sub-paragraph (b), (c), (e), (g) or (h) applies;
 - (j) a trailer falling within regulation 21(3)(b), (d), (e), (f), (g), (h) or (i);
 - (k) a trailer which is manufactured before 1st January 2000 and has a maximum total design axle weight that does not exceed 750 kg; or
 - (l) a vehicle manufactured by Leyland Vehicles Limited and known as the Atlantean Bus, if first used before 1st October 1984.

(7) The requirements specified in paragraphs (1), (2), (4) and (5) shall apply to the classes of vehicles specified in the Table so that—

(a) in item 3, the testing requirement specified in paragraph 1.5.1 and 1.5.2 of Annex II to Community Directives 79/489, 85/647 and 88/194 or 91/422 shall apply to every vehicle specified in that item other than—

(i) a double-decked vehicle first used before 1st October 1983; or

(ii) a vehicle of a type in respect of which a member state of the European Economic Community has issued a type approval certificate in accordance with Community Directive 79/489, 85/647 or 88/194.

(b) in items 2 and 3—

(i) the requirements specified in paragraph 1.1.4.2 of Annex II to Community Directive 79/489, 85/647, 88/194 or 91/422 shall not apply in relation to any vehicle first used before 1st January 2001;

(ii) those requirements shall not apply in relation to any relevant bus first used on or after that date; and

(iii) sub-note (2) to paragraph 1.17.2 of Annex I to Community Directive 85/647, 88/194, or 91/422 shall not apply in relation to any vehicle,

and for the purposes of this sub-paragraph “relevant bus” means a bus that is not a coach;

(c) in items 1 to 6, in the case of vehicles constructed or adapted for use by physically handicapped drivers, the requirements in paragraph 2.1.2.1 of Annex I to Community Directive 79/489 that the driver must be able to achieve the braking action mentioned in that paragraph from his driving seat without removing his hands from the steering control shall be modified so as to require that the driver is able to achieve that action while continuing to steer the vehicle one of his hands remains on the steering control; and

(d) in items 1 and 4 to 10 the requirement specified in paragraph 1.1.4.2 of Annex II to Community Directive 79/489 shall not apply to a vehicle first used (in the case of a motor vehicle) or manufactured (in the case of a trailer) before the relevant date as defined in paragraph (3) if following a test in respect of which the fee numbered 26024/26250 to 26257, prescribed in Schedule 1 to the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations (Northern Ireland) 1990⁽¹⁾, or the corresponding fee prescribed under any corresponding previous enactment is payable a document is issued by the Department indicating that, at the date of manufacture of the vehicle, the type to which it belonged complied with the requirements specified in Annex 13 to ECE Regulation 13.03, 13.04, 13.05 or 13.06.

(8) The requirements specified in paragraph (2) shall apply to a road tanker subject to the exclusion of paragraph 4.3 of Annex X to Community Directive 85/647.

(9) No motor vehicle to which paragraph (5) applies and which is first used on or after 1st January 2001 shall be fitted with an integrated retarder unless either—

(a) the motor vehicle is fitted with an anti-lock device which acts on the retarder and which complies with the requirements specified in Annex X of Community Directive 91/422; or

(b) the retarder is fitted with a cut-out device which allows the combined control to apply the service braking system alone and which can be operated by the driver from the driving seat;

and expressions (other than the word “vehicle”) used in this paragraph which are also used in Annex I to Community Directive 85/647 shall, for the purposes of this paragraph, have the same meanings as in that Annex save that “integrated retarder” and “retarder” shall not in any circumstances include a regenerative braking system.

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(10) Instead of complying with paragraph (1), a vehicle to which this regulation applies may comply with ECE Regulation 13.03, 13.04 or 13.05.

(11) Instead of complying with paragraph (2), a vehicle to which this regulation applies may comply with ECE Regulation 13.05 or 13.06.

(12) Instead of complying with paragraph (4) or (5), a vehicle to which this regulation applies may comply—

(a) in the case of a trailer manufactured before 1st April 1992, with ECE Regulation 13.05 or 13.06; or

(b) in the case of any vehicle not falling within sub-paragraph (a), with ECE Regulation 13.06.

(13) In this regulation, and in relation to the application to any vehicle of any provision of Community Directive 85/647, 88/194 or 91/422, the definitions of “semi-trailer” “full trailer” and “centre-axle trailer” set out in that Directive shall apply and the meaning of “semi-trailer” in regulation 2(1) shall not apply.