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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 454**

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

**Part II**

**Construction, Equipment and Maintenance of Vehicles**

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*Protective Systems*

**Rear under-run protection**

**58.**—(1) Subject to paragraph (2), this regulation applies to a wheeled goods vehicle being either—

- (a) a motor vehicle with a maximum gross weight which exceeds 3,500 kg and which was first used on or after 1st April 1984; or
- (b) a trailer manufactured on or after 1st May 1983 with an unladen weight which exceeds 1,020 kg.

(2) This regulation does not apply to—

- (a) a motor vehicle which has a maximum speed not exceeding 15 mph;
- (b) a motor car or a heavy motor car constructed or adapted to form part of an articulated vehicle;
- (c) an agricultural trailer;
- (d) engineering plant;
- (e) a fire engine;
- (f) an agricultural motor vehicle;
- (g) a vehicle fitted at the rear with apparatus specially designed for spreading material on a road;
- (h) a vehicle so constructed that it can be unloaded by part of the vehicle being tipped rearwards;
- (i) a vehicle owned by the Secretary of State for Defence and used for naval, military or air force purposes;
- (j) a vehicle to which no bodywork has been fitted and which is being driven or towed—
  - (i) for the purpose of a quality or safety check by its manufacturer or a dealer in, or distributor of, such vehicles; or
  - (ii) to a place where, by previous arrangement, bodywork is to be fitted or work preparatory to the fitting of bodywork is to be carried out; or

- (iii) by previous arrangement to premises of a dealer in, or distributor of, such vehicles;
- (k) a vehicle which is being driven or towed to a place where by previous arrangement a device is to be fitted so that it complies with this regulation;
- (l) a vehicle specially designed and constructed, and not merely adapted, to carry other vehicles loaded onto it from the rear;
- (m) a trailer specially designed and constructed, and not merely adapted, to carry round timber, beams or girders, being items of exceptional length;
- (n) a vehicle fitted with a tall lift so constructed that the lift platform forms part of the floor of the vehicle and this part has a length of at least 1m measured parallel to the longitudinal axis of the vehicle;
- (o) a trailer brought into Northern Ireland and originating from a base or centre in a country outside Northern Ireland from which the use of the vehicle on a journey is normally commenced, a period of 12 months not having elapsed since the vehicle in question was last brought into Northern Ireland;
- (p) a vehicle specially designed, and not merely adapted, for the carriage and mixing of liquid concrete;
- (q) a vehicle designed and used solely for the delivery of coal by means of a special conveyor which is carried on the vehicle and when in use is fitted to the rear of the vehicle so as to render its being equipped with a rear under-run protective device impracticable; or
- (r) an agricultural trailed appliance.

(3) Subject to paragraphs (4), (5) and (6), a vehicle to which this regulation applies shall be equipped with a rear under-run protective device.

(4) A vehicle to which this regulation applies and which is fitted with a tail lift, bodywork or other part which renders its being equipped with a rear under-run protective device impracticable shall instead be equipped with one or more devices which do not protrude beyond the overall width of the vehicle (excluding any part of the device or the devices) and which comply with the following requirements—

- (a) where more than one device is fitted, not more than 50cm shall lie between one device and the device next to it;
- (b) not more than 30cm shall lie between the outermost end of a device nearest to the outermost part of the vehicle to which it is fitted and a longitudinal plane passing through the outer end of the rear axle of the vehicle on the same side of the vehicle or, in a case where the vehicle is fitted with more than one rear axle, through the outer end of the widest rear axle on the same side of the vehicle, and paragraph II.5.4.2 in the Annex to Community Directive 79/490 shall not have effect in a case where this requirement is met; and
- (c) the device or, where more than one device is fitted, all the devices together, shall have the characteristics specified in paragraphs II.5.4.1 to II.5.4.5.2 in the Annex to the said Directive save—
  - (i) as provided in sub-paragraphs (a) and (b) above;
  - (ii) that for the reference in paragraph II.5.4.5.1 in that Annex to 30cm there is substituted a reference to 35cm; and
  - (iii) that the distance of 40cm specified in paragraph II.5.4.5 in that Annex may be measured exclusive of the said tall lift, bodywork or other part.

(5) Paragraph (3) shall have effect so that in the case of—

- (a) a vehicle which is fitted with a demountable body, the characteristics specified in paragraph II.5.4.2 in the Annex to the said Directive have effect as if the reference to 10cm

were a reference to 30cm and as if in paragraph II.5.4.5.1 the reference to 30cm were a reference to 35cm; and

- (b) a trailer with a single axle or two close-coupled axles, the height of 55cm referred to in paragraph II.5.4.5.1 in that Annex is measured when the coupling of the trailer to the vehicle by which it is drawn is at the height recommended by the manufacturer of the trailer.

(6) Instead of complying with paragraphs (3) to (5) a vehicle may comply with Community Directive 97/19.

(7) In this regulation “rear under-run protective device” means a device within the description given in paragraph II.5.4 in the Annex to Community Directive 79/490.