

2011 No. 3

ROAD TRAFFIC AND VEHICLES

**The Motor Vehicles (Approval) (Amendment) Regulations
(Northern Ireland) 2011**

Made - - - - - *13th January 2011*

Coming into operation - - - - - *11th February 2011*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 31A(1), 31D(1), 31E(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a).

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Approval) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 11th February 2011.

Amendment of the Motor Vehicles (Approval) Regulations

2.—(1) The Motor Vehicles (Approval) Regulations (Northern Ireland) 2001(b) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) —

(i) for the definition of “the 1970 Directive” substitute—

““the Framework Directive” means Directive 2007/46/EC of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(c);”;

(ii) for the definition of “category” substitute—

““category” has the same meaning as in the Framework Directive;”;

(iii) omit the definition of “EEA State”;

(iv) for the definition of “family of types” substitute—

““family of types” means two or more types of vehicle which do not differ in the following essential respects—

(i) the manufacturer,

(ii) the category,

(a) 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 and 5 respectively

(b) S.R. 2001 No. 172 as amended by S.R. 2004 No. 30 and S.R. 2006 No. 343

(c) O.J. No. L263, 9.10.2007, p.1, amended by Commission Directive (EC) No 1060/2008 of 7 October 2008 replacing Annexes I, III, IV, VII, XI and XV (O.J. No. L292, 31.10.2008, p.1)

- (iii) essential aspects of construction and design,
 - (iv) the chassis or floor pan,
 - (v) the type of power plant (namely internal combustion, electric or hybrid), and
 - (vi) the number of axles;”.
- (b) in paragraph (2) for “Annex II.A to the 1970 Directive” substitute “Annex II to the Framework Directive”.
- (3) For regulation 3 substitute—

“Application of Regulations to special purpose vehicles

3. These Regulations apply to every motor vehicle within category M1 which is a special purpose vehicle within the meaning of Annex II to the Framework Directive.”.

(4) In regulation 4(7A) (approval requirements for relevant vehicles) for “EEA State” substitute “member State”.

(5) Omit regulation 5(8).

(6) In paragraph 1 of Schedule 1 (meaning of Schedule 1 vehicle) for “Annex II.A of the 1970 Directive” in each place where the words occur substitute “Annex II to the Framework Directive”.

(7) In Schedule 2 (approval requirements for relevant vehicles) in column 4 of item 6 for “Annex IIA to the 1970 Directive” substitute “Annex II to the Framework Directive”.

Sealed with the Official Seal of the Department of the Environment on 13th January 2011



Deirdre Kenny
A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (Approval) Regulations (Northern Ireland) 2001 (the “principal Regulations”). The amendments are necessary in connection with the implementation of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ No L263, 9.10.2007, p.1), referred to in the Regulations as the “Framework Directive”, which replaces Directive 70/156/EEC. The Framework Directive has been amended by Commission Regulation (EC) No 1060/2008 (OJ No L292, 31.10.2008, p.1).

The principal Regulations provide for the issue of the Department’s approval certificates for single vehicles under Article 31A of the Road Traffic (Northern Ireland) Order 1981.

From April 29th 2009 the new Framework Directive imposes new requirements for the approval of single passenger vehicles in category M1 other than special purpose vehicles (for which new requirements apply from 29th April 2011). Regulation 3 of the principal Regulations is therefore amended by regulation 2(4) to limit their application to M1 special purpose vehicles. This provision also removes certain light vehicles with 3 and 4 wheels from the scope of the principal Regulations since approval of these is now covered by the Motor Cycles Etc (EC Type Approval) Regulations 1999 (S.I. 1999/2920).

Regulation 2 also replaces reference to the 1970 Directive in the principal Regulations with references to the Framework Directive and makes other consequential amendments.

As these Regulations do not in themselves have an impact on the costs of the business, voluntary or public sectors, no Impact Assessment has been produced in relation to them. An Impact Assessment and Transposition Note have been produced in relation to the principal implementing instrument, the Road Vehicles (Approval) Regulations 2009 (S.I. 2009/717).

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