

1984 No. 199

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations (Northern Ireland) 1984*Made* 7th June 1984*Coming into operation* 1st September 1984

The Department of the Environment, being a department designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of working conditions of persons engaged in road transport and the regulation of the type, description, construction or equipment of vehicles, in exercise of the powers conferred by that section and in exercise of the powers conferred on it by Articles 56(5), 58(1), 63 and 83 of the Road Traffic (Northern Ireland) Order 1981(c) and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 1st September 1984.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Regulations amended

3. The Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979(e) shall be amended as follows:

(1) For regulation 4(1) (installation and use of recording equipment) there shall be substituted—

“(1) A person shall not use, or cause or permit to be used, a vehicle to which this regulation applies unless there is in the vehicle recording equipment which—

(a) has been installed in accordance with the Community Recording Equipment Regulation;

(b) complies with Annexes I and II to that Regulation; and

(c) is being used as provided by Articles 15 to 17 of that Regulation;

and any person who contravenes this provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.”.

(2) Regulation 8 (which is spent) is revoked.

(3) For regulation 10 (approval of fitters and workshops) there shall be substituted—

(a) S.Is. 1972/1811 and 1975/1707

(b) 1972 c. 68

(c) S.I. 1981/154 (N.I. 1)

(d) 1954 c. 33 (N.I.)

(e) S.R. 1979 No. 443 as amended by an instrument not relevant for the purpose

“Installation and repair of recording equipment, checks and inspections

10.—(1) The Department shall be the competent authority for—

- (a) the approval of fitters and workshops for the installation or repair of recording equipment in accordance with Article 14 of the Community Recording Equipment Regulation; and
- (b) the nomination of bodies for the carrying out of checks and inspections of recording equipment in accordance with Chapter VI of Annex I to that Regulation.

(2) An approval or nomination under paragraph (1) shall be in writing, shall specify its scope, shall provide for its withdrawal by the Department on written notice by it and, subject to paragraph (3), where the Department thinks fit, may contain conditions.

(3) Such conditions may relate to—

- (a) the fees to be charged for installing, repairing, checking or inspecting recording equipment;
- (b) the places where and equipment by means of which such activities are, or are to be, carried out;
- (c) the procedure to be adopted in carrying out such activities;
- (d) the records to be kept and the evidence to be furnished of the carrying out of such activities;
- (e) the training of persons for carrying out such activities;
- (f) the inspection by or on behalf of the Department of places where and equipment by means of which such activities are, or are to be, carried out; and
- (g) the display, at the places where such activities are carried out, of signs indicating that such activities are carried out there by fitters or workshops approved or, as the case may be, bodies nominated, by the Department.

(4) The Department shall publish from time to time lists of—

- (a) the fitters and workshops approved by it; and
- (b) the bodies nominated by it,

and any list published under sub-paragraph (a) shall specify the mark to be placed by each approved fitter or workshop on any seals which shall be affixed to any recording equipment.”.

(4) Nothing in paragraph 3 (a) or (b) of Chapter VI of Annex I to the Community Recording Equipment Regulation shall require an inspection of recording equipment installed in a vehicle to be carried out—

- (a) before the expiry of a period of three months from the coming into operation of these regulations;
- (b) where the vehicle is subject to an annual test and the equipment was installed before 1st December 1983, before the annual test of the vehicle next following the expiry of that period and the relevant period.

(5) In sub-paragraph (4)—

“annual test” means—

- (a) in the case of a goods vehicle, the examination referred to in regulation 5 of the Goods Vehicles (Certification) Regulations (Northern Ireland) 1982(a);

(a) S.R. 1982 No. 46 as amended by S.R. 1982 No. 397 and a further amending instrument not relevant for the purpose

(b) in the case of a public service vehicle, the examination referred to in regulation 11 of the Public Service Vehicles Regulations (Northern Ireland) 1965(a);

(c) in the case of a large private passenger vehicle, the inspection referred to in regulation 4 of the Large Private Passenger Vehicles (Certification) Regulations (Northern Ireland) 1982(b);

“the Community Recording Equipment Regulation” means Council Regulation (EEC) No. 1463/70 of 20th July 1970 on the introduction of recording equipment in road transport(c), as amended by Council Regulations (EEC) Nos. 1787/73(d) and 2828/77(e), and as read with the Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979(f);

“relevant period” means—

(a) in the case of an inspection required by paragraph 3 (a) of Chapter VI of Annex I to the Community Recording Equipment Regulation, the period of two years;

(b) in the case of an inspection required by paragraph 3 (b) of Chapter VI of Annex I to the Community Recording Equipment Regulation, the period of six years,

beginning (in either case) with the date shown on the installation plaque affixed to the vehicle.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 7th June 1984.

(L.S.)

J. M. Irvine

Assistant Secretary

(a) S.R. & O. (N.I.) 1965 No. 161 as amended by S.R. 1982 No. 379 and further amending instruments not relevant for the purpose

(b) S.R. 1982 No. 383 as amended by an instrument not relevant for the purpose

(c) O.J. No. L164/1 of 27.7.70

(d) O.J. No. L181/1 of 4.7.73

(e) O.J. No. L334/5 of 24.12.77

(f) S.R. 1979 No. 121 as amended by S.Rs. 1980 Nos. 83 and 458 and 1981 No. 414

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979 ("the 1979 Regulations").

Under paragraph (1) of regulation 4 of the 1979 Regulations, vehicles to which that regulation applies which were being used on international journeys were required to have recording equipment (defined in regulation 3(1) of the 1979 Regulations) installed and in use in accordance with the Community Recording Equipment Regulation (defined in the said regulation 3(1)) by 14th January 1980. Most vehicles to which the said regulation 4 applies which were not being used on such journeys were required to have recording equipment installed in accordance with the Community Recording Equipment Regulation before the requirement to use the equipment in accordance with that Regulation came into force in relation to such vehicles on 31st December 1981. Regulation 4(1) of the 1979 Regulations therefore distinguishes between the requirement to install recording equipment (paragraph (1)(a)) and the requirement to use it (paragraph (1)(b)). Now that the transitional period for the coming into force of that paragraph has expired the distinction is no longer necessary. Regulation 3 of these Regulations accordingly substitutes a new paragraph (1) in regulation 4 of the 1979 Regulations which requires the equipment to be installed and used in the vehicle and revokes regulation 8, now spent, of the 1979 Regulations.

Regulation 10 of the 1979 Regulations provides for the approval of fitters and workshops to install and repair recording equipment in accordance with Article 14 of the Community Recording Equipment Regulation. Regulation 3 of these Regulations substitutes for regulation 10 a new regulation which also—

- (a) provides for the nomination by the Department of bodies for the carrying out of checks and inspections of recording equipment in accordance with Chapter VI of Annex I to the Community Recording Equipment Regulation; and
- (b) provides for the conditions that may be attached to any such nomination (including conditions as to the fees to be charged for checking and inspecting recording equipment) and for the publication by the Department of lists of the bodies nominated by it.

Regulation 3(4) of these Regulations indicates when the first periodic inspection required by paragraph 3 (a) or (b) of Chapter VI of Annex I to the Community Recording Equipment Regulation is to be carried out.