



STATUTORY INSTRUMENTS.

S.I. No. 235 of 2011



ROAD TRAFFIC (CONSTRUCTION, EQUIPMENT AND USE OF
VEHICLES) (AMENDMENT) REGULATIONS 2011

(Prn. A11/0811)

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ROAD TRAFFIC (CONSTRUCTION, EQUIPMENT AND USE OF VEHICLES) (AMENDMENT) REGULATIONS 2011

I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 11 of the Road Traffic Act 1961 (No. 24 of 1961), section 2 of the Road Traffic Act 2006 (No. 23 of 2006) and the National Roads and Road Traffic (Transfer of Departmental Administration and Ministerial Functions) Order 2002 (S.I. No. 298 of 2002) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)) for the purpose of giving effect to Council Directive 71/320/EEC of 26 July 1971¹ (as amended by Commission Directive 98/12/EC of 27 January 1998²), hereby make the following regulations:

1. (1) These Regulations may be cited as the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2011.

(2) These Regulations come into operation on 1 June 2011.

2. The Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 (S.I. No. 190 of 1963) are amended—

(a) by inserting in Regulation 38(1) after the definition of “parking brake” the following:

“ ‘anti-lock braking system (ABS)’ means a part of a service braking system which automatically controls the degree of slip, in the direction of rotation of the wheel or wheels, on one or more wheels of the vehicle during braking;

‘Directive 71/320/EEC’ means Directive 71/320/EEC of the European Council of 26 July 1971 on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and of their trailers¹;

‘Commission Directive 98/12/EC’ means Commission Directive 98/12/EC of 27 January 1998 adapting to technical progress Council Directive 71/320/EEC on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers²;

‘first licensed’ in relation to a trailer or semi-trailer, means first licensed in the State by a licensing authority;

¹OJ No. L 202, 6.9.1971, p. 37

²OJ No. L 81, 18.3.1998, p. 1

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 24th May, 2011.

‘first registered’ means the date on which a vehicle is entered in the register established and maintained by the Revenue Commissioners under section 131 of the Finance Act 1992 (No. 9 of 1992) or the date when first registered in accordance with the laws of another jurisdiction;

‘ISO’ means International Organisation for Standardisation;

‘ISO 7638 connector’ means an electrical connector that complies with Standard ISO 7638: 1997-1 or ISO 7638: 1997-2 and is used to provide a dedicated power supply and a communication link between the tow vehicle and trailer;

‘UN/ECE Regulation 13.09’ means Regulation 13.09 of the United Nations Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions, incorporating amendments up to and including the 9 series dated 28 August 1996;

‘UN/ECE Regulation 13H’ means Regulation 13H of the United Nations Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions, incorporating amendments up to and including the 00 series which entered into force on 11 May 1998;”;

(b) by inserting after Regulation 41 the following:

“Fitting and performance requirements of braking systems of mechanically propelled vehicles and trailers after 1 June 2011.

41A. (1) The braking system of every wheeled vehicle—

- (a) first registered on or after 1 June 2011 in the case of vehicles in category M₁, M₂, M₃, N₁, N₂ or N₃,
- (b) first licensed on or after 1 June 2011 in the case of vehicles in category O₃ or O₄, and
- (c) manufactured on or after 1 June 2011 in the case of vehicles in category O₁ or O₂,

where the categories of vehicles have the meaning assigned to them in Annex II to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007³, shall comply with the fitting and performance requirements of Annexes I and II and, where relevant,

³OJ No. L 263, 9.10.2007, p. 1

Annexes III, IV, V, VI, VIII, X, XI, XII, XIII and XIV to Commission Directive 98/12/EC2.

(2) In the alternative to complying with paragraph (1), a vehicle to which this Regulation 41A applies may comply with UN/ECE Regulation 13.09 or UN/ECE Regulation 13H, where appropriate.

(3) When a goods vehicle of Category N₂ or N₃ is being used to tow a trailer of Category O₃ or O₄ where both vehicles are fitted with an ISO 7638 connector to provide a dedicated power supply to the anti-lock braking system (ABS) then these connectors shall be used regardless of any alternative method available on the vehicles to provide such power.

(4) The requirements of paragraphs (1), (2) and (3) do not apply to—

(a) a vehicle which has a design speed not exceeding 25 kilometres per hour, on a dry level road under normal atmospheric conditions, or

(b) a vehicle which has a design speed not exceeding 40 kilometres per hour, on a dry level road under normal atmospheric conditions, in respect of one of the of vehicle-types mentioned in Regulation 40(5)

and such vehicles shall instead comply with paragraph (6).

(5) In addition to paragraphs (1), (2) and (3), all the requirements of Regulations 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 shall continue to apply in respect of vehicles in categories M₁, M₂, M₃, N₁, N₂, N₃, O₁, O₂, O₃ and O₄, save where the context otherwise requires.

(6) For all other vehicles other than those in categories M₁, M₂, M₃, N₁, N₂, N₃, O₁, O₂, O₃ and O₄, Regulations 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 shall continue to apply save where the context otherwise requires.”,

and

(c) by inserting after the word “device” in Regulation 45(8), “including the anti-lock braking system (ABS), where fitted,”.

DONE under my hand,
19 May 2011

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

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€2.54



Wt. (B28438). 285. 5/11. Cahill. Gr. 30-15.