



STATUTORY INSTRUMENTS.

S.I. No. 43 of 2013



ROAD TRAFFIC (CONSTRUCTION AND USE OF VEHICLES)
(AMENDMENT) REGULATIONS 2013

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I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 12 of the Road Traffic Act 1961 (No. 24 of 1961) 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)), section 2 of the Road Traffic Act 2006 (No. 23 of 2006) and for the purposes of giving further effect to Directive 96/53/EC of 25 July 1996¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2013.

(2) These Regulations come into operation on 1 April 2013.

2. The Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003) are amended—

(a) by inserting in Regulation 3(1) after the definition of “air suspension system” the following:

“anti-lock braking system” is an anti-lock braking system within the meaning of paragraph 2.1 of Annex X of Council Directive 71/320/EEC which additionally satisfies the technical provisions of Annex X of Council Directive 71/320/EEC in respect of anti-lock braking systems, or is an anti-lock braking system within the meaning of paragraph 2.1 of Annex 13 of UN/ECE Regulation 13-09, UN/ECE Regulation 13-10 or UN/ECE Regulation 13-11 which additionally satisfies the technical provisions of Annex 13 of UN/ECE Regulation 13-09, UN/ECE Regulation 13-10 or UN/ECE Regulation 13-11 in respect of anti-lock braking systems;’;

(b) by substituting for the definition of “appropriate motor vehicle” in Regulation 3(1) the following:

“appropriate motor vehicle” means a mechanically propelled vehicle having at least 3 axles which is fitted with—

(a) a braking system approved in accordance with the requirements of Council Directive 71/320/EEC as amended by Commission Directive 98/12/EC, or the requirements of

¹O.J. L235 of 17.9.1996, p.13.

UN/ECE Regulation 13-09, UN/ECE Regulation 13-10 or UN/ECE Regulation 13-11, where appropriate, and which includes an anti-lock braking system in addition to any other devices necessary for the satisfactory operation of the service brakes under all conditions of loading,

- (b) a plate complying with the requirements of the Regulations of 2000, and
 - (c) twin tyres and an air suspension system or an equivalent system on the driving axle or driving axles;'
- (c) by inserting in Regulation 3(1) after the definition of “appropriate motor vehicle” the following:

“appropriate semi-trailer” means a semi-trailer which is fitted with—

- (a) a braking system meeting the essential technical provisions of Council Directive 71/320/EEC as amended by Commission Directive 98/12/EC, or the provisions of UN/ECE Regulation 13-09, UN/ECE Regulation 13-10 or UN/ECE Regulation 13-11, where appropriate, and which includes an anti-lock braking system in addition to any other devices necessary for the satisfactory operation of the service brakes under all conditions of loading;
- (b) a plate complying with the requirements of the Regulations of 2000, and
- (c) an air suspension system or an equivalent system on each axle;

“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 trailers;²;

- (d) by inserting in Regulation 3(1) after the definition of “conditioned vehicle” the following:

“Council Directive 71/320/EEC” means Council Directive 71/320/EEC 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 trailers;³

²O.J. L81 of 18.3.1998, p.1

³O.J. L202 of 6.9.71, p.37

“electronic braking system” means a braking system that employs an electronic control system to control the braking function and an electric control transmission that complies with 5.2.1.27 of UN/ECE Regulation 13-10 or UN/ECE Regulation 13-11 and, in the case of a combination of vehicles, has an electric control line that complies with Annex 17 of UN/ECE Regulation 13-10 or UN/ECE Regulation 13-11;’;

- (e) by inserting in Regulation 3(1) after the definition of “equivalent system” the following:

“first licensed” means the date on which a trailer or semi-trailer was first licensed in accordance with the Regulations of 1982;

“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 or the date when first registered in accordance with the laws of another jurisdiction;’;

- (f) by inserting in Regulation 3(1) after the definition of “refrigerated vehicle” the following:

“Regulations of 1982” mean the Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 1982 (S.I. No. 35 of 1982);’;

- (g) by inserting in Regulation 3(1) after the definition of “triale” the following:

“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 of amendments dated 1 October 1996;

“UN/ECE Regulation 13-10” means Regulation 13-10 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 10 series of amendments dated 4 April 2005;

“UN/ECE Regulation 13-11” means Regulation 13-11 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 11 series of amendments dated 11 July 2008;

‘vehicle stability function’ has the meaning assigned to it by Paragraph 2.34 of UN/ECE Regulation 13-11 and meets the essential technical provisions of UN/ECE Regulation 13-11 in respect of vehicle stability function;’;

(h) by substituting for Regulation 12 the following:

“12. (1) Subject to paragraph (2), the weight laden, expressed in tonnes, of an articulated vehicle having 4 or more axles shall not exceed the number obtained when the distance between the king-pin and centre of the rear axle, expressed in metres correct to one decimal place, is multiplied by 5.5.

(2) The weight laden, expressed in tonnes, of an articulated vehicle combination that has 6 axles and satisfies the additional criteria specified in Regulations 15(3)(a) and 15(3)(b) shall not exceed the number obtained when the distance between the king-pin and centre of the rear axle, expressed in metres correct to one decimal place, is multiplied by 5.75.”

(i) by inserting in Regulation 14(2) after the word “3 axle” the word “appropriate”;

(j) by inserting in Regulation 14(3) after the word “2 axle” the word “appropriate”;

(k) by inserting in Regulation 14(4)(a) after the word “2 axle” the word “appropriate”;

(l) by inserting in Regulation 15(2) after the word “3 axle” the word “appropriate”;

(m) by inserting after Regulation 15(2) the following:

“(3) The weight laden of a combination of an appropriate motor vehicle and an appropriate semi-trailer that has 3 axles may exceed 44 tonnes, but shall not exceed 46 tonnes, if the following additional criteria are met:

(a) in the case of an appropriate motor vehicle:

(i) where the appropriate motor vehicle was first registered prior to 1 April 2013, it shall be fitted with an electronic braking system; and

(ii) where the appropriate motor vehicle is first registered on or after 1 April 2013, it shall, in addition to satisfying the criterion specified in sub-paragraph (a)(i), be fitted with a vehicle stability function; and

(b) in the case of an appropriate semi-trailer:

- (i) where the appropriate semi-trailer was first licensed prior to 1 April 2013, it shall be fitted with an electronic braking system; and
- (ii) where the appropriate semi-trailer is first licensed on or after 1 April 2013, it shall, in addition to satisfying the criterion specified in sub-paragraph (b)(i), be fitted with a vehicle stability function incorporating only ‘Roll Over Control.’”



GIVEN under my Official Seal,
11 February 2013.

LEO VARADKER,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations provide that, from 1st April 2013, the weight laden of a combination of a 3 axle tractor unit towing a 3 axle appropriate semi-trailer may exceed 44 tonnes but shall not exceed 46 tonnes provided the vehicles satisfy certain additional criteria.

Tractor units and semi-trailers already in service will require EBS braking systems in order to be permitted to operate as part of a 6 axle 46-tonne combination. From 1 April 2013, new tractor units in such a combination (in addition to EBS braking systems) will require electronic stability control (ESC), while, from the same date, new semi-trailer units in such a combination (in addition to EBS braking systems) will require roll stability control.

The maximum permitted tonnes/metre allowance for semi-trailers that will operate as part of a 46 tonne combination is increased from 5.5t/m to 5.75t/m.

Finally, the concept of an ‘appropriate semi-trailer’ is now included in these Regulations such that all semi-trailers operating as part of a combination of vehicles with a gross combination weight in excess of 40 tonnes now require anti-lock braking systems and a road friendly suspension.

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