



STATUTORY INSTRUMENTS.

S.I. No. 399 of 2012



ROAD TRAFFIC (LICENSING OF TRAILERS AND SEMI-TRAILERS)
(AMENDMENT) REGULATIONS 2012

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I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the power conferred on me by section 5 of the Road Traffic Act 1961 (No. 24 of 1961) and section 10 of the Road Traffic Act 1968 (No. 25 of 1968), 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 Public Enterprise (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 305 of 2002) and the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)) and for the purpose of giving further effect to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 2012.

(2) The Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 1982 to 2001 and these Regulations shall be construed as one and cited together as the Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 1982 to 2012.

(3) These Regulations come into operation on 29 October 2012.

2. The Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 1982 (S.I. No. 35 of 1982) are amended—

(1) in Regulation 1(2) by the following:

(i) by substituting for the definition of “the Minister”:

““Minister” means the Minister for Transport, Tourism and Sport”;

(ii) by substituting for the definition of “vehicle”

“vehicle” means a trailer or semi-trailer as referred to in regulation 2(1);”

(iii) by inserting after the definition of “appropriate licensing authority” the following:

¹O.J. No. L.263, 9.10.2007, page 1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 23rd October, 2012.*

“ *Approval Authority*”:

- (a) means the National Standards Authority of Ireland, being the body appointed as such for the purposes of the Framework Directive by, and having the functions described in, Regulation 4 of the Type-Approval Regulations; and
- (b) has the meaning assigned to it in Article 3(29) of the Framework Directive;”

“approved test centre” means any person appointed the Approval Authority pursuant to Regulation 4(4)(b)(i) of the Type-Approval Regulations.

- (iv) by inserting after the definition of “authorised officer” the following:

“ “EC type-approval (small series)” means type-approval granted pursuant to Article 22 of the Framework Directive;

“EEA Agreement” means the Agreement on the European Economic Area signed in Oporto on 2 May 1992 as adjusted by the protocol signed at Brussels on 17 March 1993;

“EEA Member State” means a state that is a contracting party to the EEA Agreement;

“Entry into Service Regulations” means the European Communities (Road Vehicles: Entry into Service) Regulations 2009 (S.I. No. 157 of 2009);

“first licensing” means the first occasion on which a vehicle which is subject to these Regulations is licensed by an appropriate licensing authority and “first licensed” shall be construed accordingly;

“Framework Directive” means Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007², as amended by Commission Regulation (EC) No. 1060/2008 of 7 October 2008³, Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009⁴, Regulation (EC) No. 79/2009 of the European Parliament and of the Council of 14 January 2009⁵, Commission Regulation (EC) No. 385/2009 of 7 May 2009⁶, Regulation (EC) No. 595/2009 of the European Parliament and of the Council of 18 June 2009⁷, Regulation (EC) No. 661/2009 of the European Parliament and

²OJ No. L 263, 9.10.2007, p. 1.

³OJ No. L 292, 31.10.2008, p. 1.

⁴OJ No. L 35, 4.2.2009, p. 1.

⁵OJ No. L 35, 4.2.2009, p. 32.

⁶OJ No. L 118, 13.5.2009, p. 13.

⁷OJ No. L 188, 18.7.2009, p. 1

of the Council of 13 July 2009⁸, Commission Directive 2010/19/EU of 9 March 2010⁹, Commission Regulation (EU) No. 371/2010 of 16 April 2010¹⁰, Commission Regulation (EU) No. 183/2011 of 22 February 2011¹¹, Commission Regulation (EU) No. 582/2011 of 25 May 2011¹² and Commission Regulation (EU) No. 678/2011 of 14 July 2011¹³;

“individual approval” means the approval granted pursuant to Article 23 of the Framework Directive;

“individual approval certificate” means the certificate issued by an approval authority of any Member State for an approval of vehicle granted pursuant to Article 24 of the Framework Directive or by the Approval Authority under Regulation 23 of the Type-Approval Regulations;”

- (v) by inserting after the definition of “mechanically propelled vehicle” the following:

“ “Member State” includes an EEA Member State and “approval authority” shall be construed accordingly;

“mutually-recognised approval” means an approval from the approval authority of another Member State that has been accepted by the Approval Authority, for the purposes of and in accordance with the Type-Approval Regulations, as being equivalent to, as the case may be, national small series type-approval or an individual approval and, for the avoidance of doubt, does not include an EC vehicle type-approval;

“mutually-recognised certificate of conformity” means a certificate that a particular vehicle is the subject of a mutually-recognised approval;

“national small series certificate of conformity” means the document issued by the manufacturer, in the prescribed form, certifying that the vehicle conforms with the relevant national small series type-approval granted pursuant to Article 23 of the Framework Directive;

“national small series type-approval” means type-approval granted pursuant to Article 23 of the Framework Directive;”

“registration certificate” means a document certifying that a vehicle has been registered in a Member State;”

⁸OJ No. L 200, 31.7.2009, p. 1.

⁹OJ No. L 72, 20.3.2010, p. 17.

¹⁰OJ No. L 110, 1.5.2010, p. 1.

¹¹OJ No. L 53, 26.2.2011, p. 4.

¹²OJ No. L 167, 25.6.2011, p. 1.

¹³OJ No. L 185, 15.7.2011, p. 30.

(vi) by inserting after the definition of “trailer mark” the following:

“ “type approval” means the process of certification that a type of vehicle satisfies the relevant administrative and technical requirements imposed by, or pursuant to, the Framework Directive and includes EC type-approval, EC type-approval (small series) and national small series type-approval, and “type-approved” shall be construed accordingly;

“Type-Approval Regulations” means the European Communities (Road Vehicles: Type-Approval) Regulations 2009 (S.I. No. 158 of 2009);”

(vii) by inserting after the definition of “vehicle” the following:

““vehicle type” has the meaning assigned to it in Article 3(17) of the Framework Directive.”

(viii) by inserting after paragraph (3):

“ (4) The terms ‘complete’, ‘completed’ and ‘special purpose’ have the meaning given to them in Article 3 of the Framework Directive and the notations ‘O3’ and ‘O4’ have the meaning given to them in Annex II of the Framework Directive.

(5) In these Regulations, unless the context requires otherwise, a reference to:

- (a) a national small series type-approval,
- (b) a national small series type-approval certificate,
- (c) an individual approval, or
- (d) an individual approval certificate,

is a reference to a relevant approval, or certificate confirming an approval, granted or issued by the Approval Authority.

(2) in Regulation 2, by substituting for Regulation 2(1),

“2. (1) These Regulations shall apply to new and existing trailers and semi-trailers with a maximum permissible weight exceeding 3,500 kgs and for the avoidance of doubt shall include vehicles of categories O3 and O4.”

(3) by substituting for Regulation 4(1) the following:

“4. (1) Subject to the provisions of articles 5 and 6 of these Regulations, an application by an owner of a vehicle which is required to be licensed pursuant to these Regulations shall be made, by means of a declaration in the appropriate scheduled form to the licensing authority, in whose area the vehicle will be ordinarily kept, or where the vehicle will not be ordinarily

kept in any one area, to the licensing authority of the area in which is the principal place of business or the usual place of abode of the owner.”

(4) by inserting after Regulation 4 the following:

“Requirement for Type Approval at first licensing.

4A. (1) In its application to vehicles of the types and in the circumstances specified in column (1) of the table in the Fourth Schedule which are required to be licensed pursuant to these Regulations, this Regulation 4A shall come into operation on the date specified in column (2) of the table in the Fourth Schedule.

(2) Subject to paragraph (6), from the date specified in column (2) of the table in the Fourth Schedule, a vehicle of the type and circumstance specified in column (1) of the table in the Fourth Schedule which is required to be licensed pursuant to these Regulations shall not be first licensed unless it:

(a) is the subject of:

- (i) a valid EC certificate of conformity issued in accordance with Article 18 of the Framework Directive,
- (ii) a valid national small series certificate of conformity,
- (iii) a valid individual approval, or
- (iv) a valid mutually-recognised certificate of conformity, and

(b) otherwise satisfies the relevant requirements of the Framework Directive and of the Entry into Service Regulations.

(3) (a) The licensing authority shall notify the Approval Authority where a vehicle is declared for first licensing and reliance is placed by the applicant on an individual approval or a national small series type approval that has been granted by an approval authority other than the Approval Authority.

(b) Where subparagraph (a) applies, the vehicle shall not be first licensed, until the occurrence of the earlier of the following:

- (i) the elapse of a period of 30 days from the date of the application to the licensing authority, and
- (ii) the determination of the Approval Authority, in accordance with the Type-Approval Regulations, that the relevant individual approval or national small series type approval is a mutually-recognised approval.

(4) Where a vehicle is declared for first licensing and reliance is placed by the applicant on either an EC type-approval (small series) or national

small series type approval, then the total number of vehicles of that particular type licensed in the course of any particular year may not:

- (a) in the case of a vehicle that is the subject of an EC type-approval (small series), exceed the number of units shown in section 1 of Part A of Annex XII of the Framework Directive in respect of that vehicle type, and
- (b) in the case of a vehicle that is the subject of a national small series type-approval, exceed the maximum number of units shown in section 2 of Part A of Annex XII of the Framework Directive in respect of that vehicle type.

(5) Where an EC Certificate of Conformity is presented as part of an application for first licensing for the purposes of subparagraph (2), the licensing authority may request that such certificate of conformity be translated into one of the official languages of Ireland.

(6) Paragraphs (2) to (5) of this regulation do not apply in the case of a vehicle of the type and circumstance specified in column (1) of the table in the Fourth Schedule:

- (a) which was first registered or used on a public road (as the case may be) in accordance with the laws of a Member State, other than the State, and is the subject of an original registration certificate, or such other documentation as the licensing authority may, in its discretion, consider appropriate, issued in respect of the vehicle and stating the date of registration of such vehicle;
- (b) which is the subject of:
 - (i) a declaration from the manufacturer of the vehicle in the appropriate scheduled form; or
 - (ii) a declaration from an approved test centre in the appropriate scheduled form

stating that either:

- (A) the date of manufacture of the vehicle was prior to the relevant date specified in column (2) of the table in the Fourth Schedule; or
- (B) the vehicle is exempted from the requirements of the Type-Approval Regulations.”

(5) by substituting the following for Regulation 5:

“5. (1) A certificate as provided for in the appropriate scheduled form, as the case may be, shall be furnished stating the design gross vehicle weight of a vehicle:-

- (a) on the first licensing of a vehicle, or
- (b) where all or part of the relevant information as to weight previously furnished in relation to a particular vehicle is no longer valid due to modifications of that vehicle since the previous licensing thereof;

and such certificate shall be retained on the relevant trailer register.

(2) Where the certificate referred to in paragraph (1) above is not accompanied by:

- (i) a valid EC certificate of conformity issued in accordance with Article 18 of the Framework Directive,
- (ii) a valid national small series certificate of conformity,
- (iii) a valid individual approval,
- (iv) a valid mutually-recognised certificate of conformity, or
- (v) an original registration certificate, or such other documentation as the licensing authority may, in its discretion, consider appropriate, issued in respect of the registration of the vehicle in another Member State;

such certificate shall contain either:

- (A) a declaration from the manufacturer of the vehicle;
or
- (B) a declaration from an approved test centre

certifying the design gross vehicle weight of a vehicle.”

(6) by substituting the following for Regulation 19:

"19. (1) The provisions of these Regulations set out in the First Schedule to these Regulations shall be penal regulations.

(2) The penalties for conviction for breach of the regulations set out in the First Schedule are those prescribed in section 102 of the Road Traffic Act 1961, as amended by section 18(1) of the Road Traffic Act 2006, and as reclassified regarding the monetary penalties for the said section 18(1) provides as 'Class C' and 'Class D' fines by sections 6 and 7 of the Fines Act 2010."

(7) by inserting after Regulation 23 the following:

“False Declarations

24. A person shall not, in supplying information or producing a document for the purpose of these Regulations,:

- (a) make a statement which that person knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
- (b) produce, provide, send or otherwise make use of a document which that person knows to be false in a material particular or recklessly produce, provide or send or otherwise make use of a document which is false in a material particular.”

(8) by substituting in the First Schedule “ of Articles 12, 16 and 24” for “of Articles 12 and 16.”

(9) by substituting for the Third Schedule the following:

“THIRD SCHEDULE

Forms prescribed for purposes of these Regulations.

TF 100 — Trailer/semi-trailer licensing or change of particulars

TF 200 — Notification of transfer of trailer ownership

TF 300A — Weight identification certificate for a type approved/imported trailer

TF 300B — Weight identification certificate for a trailer outside the scope of type approval ”

(10) by inserting after the Third Schedule the following:

“FOURTH SCHEDULE

Dates from when Regulation 4A shall have effect:

Vehicle category and description	Date of effect:
Complete vehicles of categories O3 and O4	October 29, 2012
Completed vehicles of categories O3 and O4	October 29, 2013
Special-purpose vehicles of categories O3 and O4	October 29, 2014

”



GIVEN under my Official Seal,
17 October 2012.

LEO VARADKAR,
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 amend the Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations, 1982 (S.I. No. 35 of 1982). The 1982 Regulations provide for a system of annual licensing of trailers and semi-trailers in Ireland with a maximum permissible weight exceeding 3,500 kgs.

These Regulations give further effect to Directive 2007/46/EC (as amended), and to each of the separate directives and EC regulations that individually regulate many components, systems and separate technical units of relevant vehicles, in so far as those Directives relate to the entry into service of trailers with a maximum permissible weight exceeding 3,500 kgs (being categories O3 and O4).

The 1982 Regulations are now amended in order to introduce the appropriate type approval requirements into the trailer licensing regime.

These Regulations make it obligatory that, at various staggered dates from 29 October 2012 until 29 October 2014 (depending on how the trailer has been constructed), a trailer, which is manufactured after the relevant dates referred to above and has not previously been licensed in this State, must be the subject of an EC certificate of conformity, an Irish national small series certificate of conformity, an Irish individual approval certificate, or a valid mutually-recognised certificate of conformity before the licensing authorities will first license the trailer.

A trailer which is manufactured before the dates referred to above but which is not licensed before such dates is exempted from the requirement to produce appropriate approval certification upon the owner of such trailer proving to the satisfaction of the licensing authority that the trailer was manufactured before the dates referred to above.

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