



STATUTORY INSTRUMENTS.

S.I. No. 409 of 2023

ROAD TRAFFIC (SPRAY SUPPRESSION SYSTEMS)
REGULATIONS 2023

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I, JACK CHAMBERS, Minister of State at the Department of Transport, in exercise of the powers conferred on me by section 11 of the Road Traffic Act 1961 (No. 24 of 1961) (as adapted by the Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020 (S. I. No. 351 of 2020)), and the Transport (Delegation of Ministerial Functions) Order 2023 (S.I. No. 211 of 2023), for the purpose of giving full effect to Commission Implementing Regulation (EU) 2021/535 of 31 March 2021¹ with regard to spray suppression systems, hereby make the following regulations:

Citation

1. These Regulations may be cited as the Road Traffic (Spray Suppression Systems) Regulations 2023.

Interpretation

2. (1) In these Regulations—

“articulated vehicle” means the combination of a mechanically propelled vehicle (other than a pedal cycle) and a drawn vehicle attached by partial superimposition and so constructed and attached that not less than 20 per cent of the weight of the drawn vehicle is borne by the mechanically propelled vehicle;

“authorised distributor” in respect of a particular articulated vehicle, means a distributor who meets either or both of the following conditions, namely, the distributor:

- (a) holds a franchise from the manufacturer of the relevant vehicle to sell particular makes and models of vehicles manufactured by that manufacturer and of which the relevant vehicle is one, or
- (b) is, in writing, authorised to represent the manufacturer or the relevant vehicle and to act on the manufacturer’s behalf in matters covered by these Regulations;

“design gross vehicle weight” means the gross weight of vehicle laden with the heaviest load that it can reasonably carry having regard to the engine, brakes, tyres and general construction of such vehicle and shall, until the contrary is shown, be taken to be the vehicle’s design gross vehicle weight as specified-

- (a) by its manufacturer, or
- (b) where the design gross vehicle weight as specified by the manufacturer is not ascertainable—
 - (i) by the authorised distributor, or

¹ OJ No. L 117, 6.4.2021, p. 1.

(ii) by a suitably qualified individual;

“distributor” has the meaning set out in Article 3(43) of the Framework Regulation;

“EU type-approval” has the meaning set out in Article 3(2) of the Framework Regulation;

“excluded vehicle” means either an off-road vehicle or a vehicle which in the normal course of its work is required to operate off the road and includes —

- (a) a vehicle designed, and not merely adapted, for the carriage and mixing of liquid concrete,
- (b) a vehicle designed or adapted for the carriage of concrete building blocks or bricks,
- (c) a works truck,
- (d) a works trailer,
- (e) a vehicle so constructed that it can be unloaded by part of the vehicle being tipped sideways or rearwards,
- (f) a refuse vehicle,
- (g) a trailer specially designed and constructed, and not merely adapted, to carry round timber,
- (h) a vehicle used in the provision or maintenance of telecommunications services or of gas or electricity supply,
- (i) a vehicle used for the collection of unprocessed milk from farms for transport to a processing facility, and
- (j) a vehicle designed, and not merely adapted, for the transportation of livestock;

“Framework Regulation” means Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018²;

“goods trailer” means a trailer constructed or adapted primarily for the conveyance of goods or burden of any description;

“goods vehicle” means a mechanically propelled vehicle constructed or adapted primarily for the conveyance of goods or burden of any description and includes a vehicle constructed or adapted for use as the drawing component of an articulated vehicle;

“licensed in the State”, in relation to a trailer or semi-trailer, means the date on which a trailer or semi-trailer is licensed in accordance with the Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 1982 (S.I. No. 35 of 1982);

“local authority” has the meaning set out in section 2 of the Local Government Act 2001;

“manufacturer” has the meaning set out in Article 3(40) of the Framework Regulation;

² OJ No. L 152, 14. 6. 2018, p1

“off-road vehicle” has the meaning set out at point 2 of Part A of Annex I to the Framework Regulation and includes a vehicle, type-approved as such under the Framework Regulation or which meets the requirements of point 4 of Part A of Annex I to the Framework Regulation;

“refuse vehicle” means a vehicle specifically designed and not merely adapted, for the collection of waste, including a skip carrying vehicle, and which is operating under a waste disposal licence for the transport of such waste to an approved waste disposal facility being a facility or landfill site which is licensed by the Environmental Protection Agency or which is permitted by a local authority under an arrangement previously agreed with the supplier of the waste;

“registered in the State”, in relation to a mechanically propelled vehicle, means the date on which the vehicle is entered in the register established and maintained by the Revenue Commissioners under section 131 of the Finance Act 1992;

“Regulation (EU) 2021/535” means Commission Implementing Regulation (EU) 2021/535 of 31 March 2021¹;

“relevant axle” means an axle of a mechanically propelled vehicle, trailer or semi-trailer to which these regulations apply, but does not include—

- (a) in the case of a vehicle or trailer to the chassis of which no bodywork is fitted, any axle not covered by the cab or by bodywork, or
- (b) any axle of a vehicle, which, if fitted with a spray suppression system, would prevent the intended proper use of the vehicle;

“road maintenance vehicle” means a goods vehicle or goods trailer which is constructed or adapted for use in road maintenance works and is being used for such road maintenance works by a local authority or the National Roads Authority or another person authorised by a local authority or the National Roads Authority, as the case may be;

“semi-trailer” means the drawn component of an articulated vehicle, or a vehicle constructed or adapted for use as such drawn component and which is constructed or adapted primarily for the conveyance of goods or burden of any description;

“spray suppression device” has the meaning set out in Article 2(19) of Regulation (EU) 2021/535;

“spray suppression system” has the meaning set out in Article 2(18) of Regulation (EU) 2021/535;

“suitably qualified individual” means—

- (a) a mechanical or automotive engineer,
- (b) an automotive assessor, or
- (c) a person with similar qualifications and with appropriate accreditation with Engineers Ireland or the Institute of Automotive Engineer Assessors,

who, by reason of his or her competence, experience and independence, is an appropriate person to assess the fitness and safety of a vehicle and who carries the appropriate indemnity relative to his or her position;

“tonne” is the weight executed by a mass of 1,000 kilograms;

“trailer” means a vehicle attached to a mechanically propelled vehicle (or to another vehicle attached to a mechanically propelled vehicle) or a vehicle constructed or adapted for the purpose of being drawn by a mechanically propelled vehicle, but does not include a semi-trailer;

“type-approval” has the meaning set out in Article 3 of the Framework Regulation;

“works trailer” means a trailer designed for use in private premises and used on a road only in passing from one part of any such premises to another, or to other private premises in the immediate neighbourhood, or in connection with road works while at or in the immediate neighbourhood of the site of such works;

“works truck” means a mechanically propelled vehicle designed for use in private premises and used on a road only in passing from one part of any such premises to another, or to other private premises in the immediate neighbourhood, or in connection with road works while at or in the immediate neighbourhood of the site of such works.

(2) A word or expression used in these Regulations and which is also used in Regulation (EU) 2021/535, has, unless the contrary intention appears, the same meaning in these Regulations as it has in Regulation (EU) 2021/535.

Application

3. (1) Subject to this Regulation, these Regulations apply to goods vehicles registered in the State and to goods trailers and semi-trailers licensed in the State, when on a public road, whether used singly or as components of an articulated vehicle or in a combination of vehicles, irrespective as to whether any other component of such articulated vehicle or combination of vehicles is registered or licensed in the State.

(2) These Regulations do not apply to a goods vehicle first registered in the State or to a trailer or semi-trailer first licensed in the State before 1 September 2011.

(3) Subject to paragraph (5), these Regulations do not apply to—

- (a) a mechanically propelled vehicle which is designed and constructed so as to be incapable of exceeding a speed of 50 kilometres per hour,
- (b) a trailer in a combination of vehicles which, by reason of the design and construction of the mechanically propelled component, is incapable of exceeding a speed of 50 kilometres per hour,
- (c) a semi-trailer as a component of an articulated vehicle which, by reason of the design and construction of the mechanically propelled component, is incapable of exceeding a speed of 50 kilometres per hour,

- (d) a mechanically propelled vehicle having a design gross vehicle weight not exceeding 7.5 tonnes, or a trailer or semi-trailer having a design gross vehicle weight not exceeding 3.5 tonnes,
- (e) mechanically propelled vehicles or their trailers, used by, or which are intended for use by the Defence Forces, the Garda Síochána, the Irish Coast Guard, local authority fire and rescue services, the Civil Defence or the Office of the Revenue Commissioners, or
- (f) a road maintenance vehicle.

(4) Subject to paragraph (5), these Regulations do not apply to an excluded vehicle.

(5) Where a vehicle referred to in paragraph (3) or an excluded vehicle has been fitted with a spray suppression device to comply with type-approval requirements, these Regulations apply to that vehicle first registered unless that vehicle is excluded from the application of these Regulations by virtue of paragraph (2).

Obligation to have spray suppression system fitted to goods vehicle

4. A person shall not use a goods vehicle and the owner of such vehicle shall not permit its use, on a public road, unless spray suppression systems which meet the requirements of Regulation 5 are fitted to all the relevant axles of the vehicle and of any goods trailers being drawn by it, and, in the case of an articulated vehicle, to all the relevant axles of any semi-trailer.

Spray suppression system must comply with Regulation (EU) 2021/535

5. (1) Subject to this Regulation, a spray suppression system with which a mechanically propelled vehicle, trailer or semi-trailer is required to be fitted under these Regulations, shall be such and so maintained as to comply with the general and specific requirements for such systems set out in points 4.4 to 4.10 of Part 2 of Annex VIII to Regulation (EU) 2021/535.

(2) A spray suppression device which is used in a spray suppression system referred to in paragraph (1) shall conform to a type of spray suppression device which has been granted EU type-approval and shall bear the component type-approval mark referred to in Article 11 of Regulation (EU) 2021/535.

Revocation

6. The Road Traffic (Spray-Suppression) Regulations 2011 (S. I. No. 272 of 2011) are revoked.

GIVEN under my hand,
18 August, 2023.

JACK CHAMBERS,
Minister for State at the Department of Transport.

EXPLANATORY NOTE

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

These Regulations—

- provide for the compulsory fitment of spray suppression systems to certain motor vehicles and their trailers as required by Commission Implementing Regulation (EU) 2021/535.
- require the fitment of spray suppression systems to vehicles registered in the State from 1 September 2011.
- apply to mechanically propelled goods vehicles with a design gross vehicle weight exceeding 7.5 tonnes, goods trailers and semi-trailers with a design gross vehicle weight exceeding 3.5 tonnes, and which are capable of exceeding a speed of 50 km/h. Certain vehicles are exempted on technical grounds.
- revoke the Road Traffic (Spray-Suppression) Regulations 2011 (S.I. No. 272 of 2011).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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