

S.I. No. 272/2011 — Road Traffic (Spray-Suppression) Regulations 2011.

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 14th June, 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) 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](#))), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Road Traffic (Spray-Suppression) Regulations 2011.

Interpretation

2. In these Regulations—

“agricultural tractor” means a tractor designed and used primarily for work on the land in connection with agriculture, forestry, land levelling, dredging and similar operations and which is—

(a) driven on a road only when proceeding to and from the site of such work and which when so driven hauls nothing except an agricultural trailer, a land implement, a land trailer or a trailer specially designed and constructed and used only for the conveyance of any implement or machinery used with the tractor in connection with its work on the land, or

(b) used on a road while it hauls nothing except an agricultural trailer;

“agricultural trailer” means a trailer, the property of a person engaged in agriculture, which is designed and used primarily for work on the land and which is used on a public road only incidentally to such work;

“articulated vehicle” means the combination of a mechanically propelled vehicle and a drawn vehicle attached by partial superimposition at a point located forward of the transverse vertical plane which contains the centres of the wheels of the rearmost axle and which is constructed or adapted for the transport of goods or burden of any description;

“design gross vehicle weight” means the gross weight of a vehicle laden with the heaviest load which it can reasonably carry having regard to the engine capacity, brakes, tyres and general construction of the vehicle and shall, until the contrary is shown, be taken to be its design gross weight as specified by the manufacturer or, where the design gross weight of the vehicle as specified by the manufacturer is not ascertainable, the design gross weight of the vehicle as specified by an automotive engineer;

“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](#));

“off-road vehicle” means a mechanically propelled vehicle, type approved as such, or which meets the requirements of point 4 (Off road vehicles (Symbol G)) of Annex II of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007¹ establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles;

“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](#) (No. 9 of 1992);

“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,

(b) any axle of a vehicle, which, if fitted with a spray suppression system, would prevent the intended proper use of the vehicle;

“road-train” means a combination of a mechanically propelled vehicle and one or more trailers, or a combination of an articulated vehicle and a trailer;

“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” means part of a spray suppression system, consisting of an air-water separating device or an energy absorbing device as defined in Annex I of the type approval Directive;

“spray-suppression system” means a system as defined in Annex 1 of the type approval Directive, variously made up of a mudguard, rain flaps and valances and equipped with a spray suppression device or spray suppression devices;

“type approval Directive” means Council Directive 91/226/EEC of 27 March 1991², as amended by Council Directive 2006/96/EC of 20 November 2006³ and Commission Directive 2010/19/EU of 9 March 2010⁴, on the approximation of the laws of the Member States relating to the spray-suppression systems of certain categories of motor vehicles and their trailers;

“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;

“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 works truck 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.

Application

3. (1) Subject to Regulation 4, 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) 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 mechanically propelled vehicle which is limited to a speed of 50 kilometres per hour or less,

(c) 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,

(d) 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,

(e) a mechanically propelled vehicle having a design gross vehicle weight not exceeding 7.5 tonnes, nor to a trailer or semi-trailer having a design gross vehicle weight not exceeding 3.5 tonnes,

(f) 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 Customs and Excise,

(g) a road maintenance vehicle, or

(h) an excluded vehicle.

(3) In this Regulation—

“road maintenance vehicle” means a goods vehicle or goods trailer which is owned or operated on behalf of a roads authority and is constructed or adapted for use in road maintenance works;

“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, without prejudice to the generality of the foregoing, includes the following—

(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) an agricultural tractor,

(f) an agricultural trailer,

(g) a vehicle so constructed that it can be unloaded by part of the vehicle being tipped sideways or rearwards,

(h) a refuse vehicle,

(i) a trailer specially designed and constructed, and not merely adapted, to carry round timber,

(j) a vehicle used in the provision or maintenance of telephone services or of gas or electricity supply,

(k) a vehicle used for the collection of un-processed milk from farms for transport to a processing facility, and

(l) a vehicle designed, and not merely adapted, for the transportation of livestock.

Use of spray suppression systems

4. (1) Subject to paragraph (2) and with effect from 1 September 2011, 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.

(2) This Regulation does not apply to a goods vehicle first registered in the State or to a trailer or semi-trailer first licensed in

the State before the 1 September 2011.

Spray suppression systems and devices

5. (1) Subject to this Regulation, a spray-suppression system with which a vehicle, trailer or semi-trailer is required to be equipped 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 3 to 9 inclusive of Annex III to the type approval Directive.

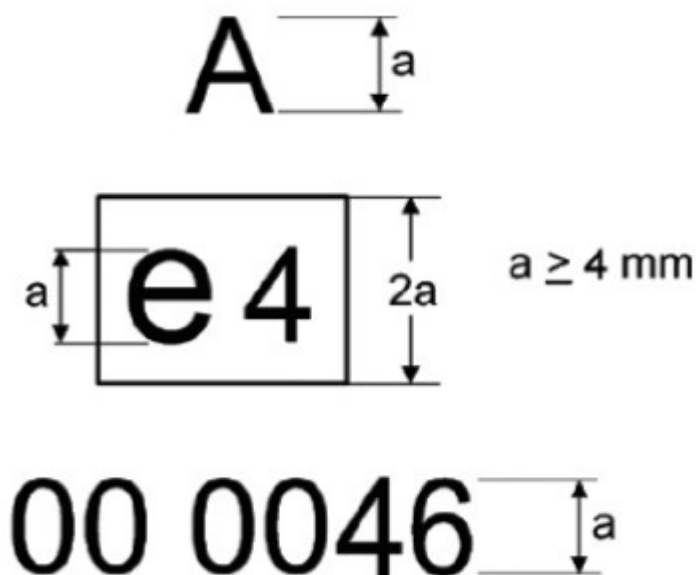
(2) For the purpose of this Regulation, the requirements set out in points 7.3.3 and 9.3.2.1 of Annex III to the type approval Directive, shall be extended to 300mm for the rear-most axle of vehicles that are used on roll on/roll off ferries.

(3) 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 EC type approval and shall bear the component type approval mark referred to in Article 2 of the type approval Directive and set out in the Schedule.

Regulation 5 (3)

SCHEDULE

Example of EC separate technical unit type-approval mark



Explanatory note

The EC separate technical unit type-approval was issued by The Netherlands under number 0046. The first two digits “00” indicate that the separate technical unit was approved according to this Regulation. The symbol “A” indicates it is a device of the energy-absorption type.



GIVEN under my Official Seal,

8 June 2011.

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 provide for the compulsory fitment of spray-suppression systems to certain motor vehicles and their trailers.

The vehicles involved are 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.

The Regulations require the fitment of spray-suppression systems, to vehicles registered from 1 September 2011.

Certain vehicles are exempted on technical grounds.

1 O.J. No. L 263, 9.10.2007, p. 1

2 O.J. No. L 103, 23.4.1991, p. 5

3 O.J. No. L 363, 20.12.2006, p. 81

4 O.J. No. L 72, 20.3.2010, p. 17

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