



STATUTORY INSTRUMENTS

S.I. No. 366 of 2008



ROAD TRAFFIC (CONSTRUCTION AND USE OF VEHICLES)
(AMENDMENT) REGULATIONS 2008

(Prn. A8/1444)

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ROAD TRAFFIC (CONSTRUCTION AND USE OF VEHICLES)
(AMENDMENT) REGULATIONS 2008

I, NOEL DEMPSEY, Minister for Transport, 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 Public Enterprise (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 305 of 2002)) and section 2 of the Road Traffic Act 2006 (No. 23 of 2006) for the purpose of giving effect to Council Directive 96/53/EC of 25 July 1996¹ and Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002², hereby make the following regulations:

1. (1) These Regulations may be cited as the Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2008.

(2) These Regulations come into operation on 1 November 2008.

2. The Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003) are amended by substituting for Regulation 36 the following:

“36. (1) (a) Subject to paragraph (2), the maximum overall height of a vehicle shall not exceed 4.65 metres.

(b) Where a measurement when rounded down equals 4.65 metres it is deemed to be greater than 4.65 metres.

(2) This Regulation does not apply, until 1 November 2013, to—

(a) a mechanically propelled vehicle which was first registered,

(b) an articulated vehicle where either—

(i) the tractor unit was first registered, or

(ii) the semi-trailer was first licensed,

(c) a trailer (other than an agricultural trailer, land implement or land trailer) which was first licensed,

(d) an agricultural trailer, land implement or land trailer which was first used, or

¹O.J. No. L235, 17.9.96, p.59

²O.J. No. L67, 9.3.02, p.47

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th September, 2008.*

- (e) a goods trailer or semi-trailer not liable to licensing under the Regulations of 1982 by reason of the fact that it is not ordinarily kept in the State and which was first used,

before the commencement of these Regulations.

(3) In this Regulation—

“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;

“highest point of the vehicle” includes all apparatus, appliances, containers, fittings, loads, implements, machinery, objects, parts, platforms, receptacles or removable superstructures which are carried, placed, fitted or mounted on the vehicle;

“maximum overall height of a vehicle” means the shortest distance, correct to the nearest centimetre, between the horizontal plane passing through the point of contact of any wheel of the vehicle with the surface of the ground on which it is standing and the horizontal plane passing through the highest point of the vehicle, measured when the vehicle is stationary;

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

“tractor unit” means the drawing component of an articulated vehicle.”.



GIVEN under my Official Seal,
14 September 2008

NOEL DEMPSEY.
Minister for Transport.

EXPLANATORY NOTE

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

These Regulations provide that 4.65 metres is the maximum height limit for vehicles (including loads carried).

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