

1988 No. 1524

ROAD TRAFFIC

The Road Vehicles (Construction and Use)
(Amendment) (No. 6) Regulations 1988

<i>Made</i> - - - -	<i>5th September 1988</i>
<i>Laid before Parliament</i>	<i>9th September 1988</i>
<i>Coming into force</i>	<i>1st October 1988</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 40(1), 40(3) and 41(3) of the Road Traffic Act 1972(a), and now vested in him(b) and being a Minister designated(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, and of all other enabling powers, and after consultation with the representative organisations in accordance with section 199(2) of the Road Traffic Act 1972, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 6) Regulations 1988 and shall come into force on 1st October 1988.

Preliminary

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(e) shall be further amended in accordance with the following provisions of these Regulations.

(2) The Secretary of State is satisfied that —

- (a) it is requisite that the provision in regulation 3, 4 and 7 of these Regulations (being provisions which vary the requirements as regards the construction of certain classes of vehicles) shall apply as from 1st October 1988 to vehicles registered under the Vehicles (Excise) Act 1971(f) before the expiration of one year from the making of these Regulations; and
- (b) notwithstanding that the said provision will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby.

Amendments to Regulations 36A and 70A (speed limiters)

3. In regulation 36A(5), at the end of the definition of “Part I of the British Standard” there shall be added the following words —

“as amended by Amendment Slip No. 1 under the number AMD 5969 which was published and came into effect on 30th June 1988”.

(a) 1972 c.20. (b) S.I. 1979/571 and 1981/238. (c) S.I. 1972/1811. (d) 1972 c.68. (e) S.I. 1986/1078; relevant amending instruments are S.I. 1987/676 and 1988/271. (f) 1971 c.10.

4. In regulation 70A –

- (a) in paragraph (4)(c) for the words “limiter supplier” there shall be substituted the words “limiter calibrator”; and
- (b) in paragraph (5)(b) for the words “limiter supplier” there shall be substituted the words “limiter calibrator”.

Amendments relating to unleaded petrol

5. After regulation 39, there shall be inserted the following regulations –

“39A(1) Every vehicle to which this regulation applies shall be designed and constructed for running on unleaded petrol.

(2) No person shall use or cause or permit to be used a vehicle to which this regulation applies on a road if it –

- (a) has been deliberately altered or adjusted for running on leaded petrol, and
- (b) as a direct result of such alteration or adjustment it is incapable of running on unleaded petrol.

(3) Subject to paragraph (4) this regulation applies to every motor vehicle which is –

- (a) propelled by a spark ignition engine which is capable of running on petrol, and
- (b) is first used on or after the 1st April 1991.

(4) Part I of Schedule 3A shall have effect for the purpose of excluding certain vehicles first used before specified dates from the application of this regulation.

(5) In this regulation “petrol”, “leaded petrol” and “unleaded petrol” have the same meaning as in Community Directive 85/210(a).

(6) A vehicle shall be regarded for the purposes of this regulation as incapable of running on unleaded petrol at any particular time if and only if in its state of adjustment at that time prolonged continuous running on such petrol would damage the engine.

39B(1) Subject to paragraph (2), every fuel tank fitted to a vehicle to which regulation 39A applies shall be so constructed and fitted that it cannot readily be filled from a petrol pump delivery nozzle which has an external diameter of 23.6mm or greater without the aid of a device (such as a funnel) not fitted to the vehicle.

(2) Paragraph (1) does not apply to a vehicle in respect of which both of the following conditions are satisfied, that is to say –

- (a) that at the time of its first use the vehicle is so designed and constructed that prolonged continuous running on leaded petrol would not cause any device designed to control the emission of carbon monoxide, hydrocarbons or nitrogen oxides to malfunction, and
- (b) that it is conspicuously and legibly marked in a position immediately visible to a person filling the fuel tank with –
 - (i) the word “UNLEADED”, or
 - (ii) the symbol shown in Part II of Schedule 3A.

(3) In this regulation “fuel tank”, in relation to a vehicle, means a fuel tank used in connection with the propulsion of the vehicle.”.

6. A schedule shall be inserted after Schedule 3 in accordance with the provisions of the Schedule to these Regulations.

(a) “Community Directive” is defined in regulation 3 of and Schedule 2 to the Road Vehicles (Construction and Use) Regulations 1986. A relevant amendment to Schedule 2 is made by regulation 8 of these Regulations.

Amendments relating to exhaust emission

7. In regulation 61(4) for sub-paragraph (b) there shall be substituted the following sub-paragraph –

“(b) if it is propelled by a spark ignition engine –

- (i) in a case where the first use is before 1st April 1991, with Community Directive 78/665, 83/351 or 88/76, or ECE Regulation 15.03 or 15.04(a); or
- (ii) in any other case, with Community Directive 83/351 or 88/76, or ECE Regulation 15.04.”.

Amendments to Schedule 2

8. In Table 1 in Schedule 2 –

(a) after item 49 there shall be inserted the following item –

“49A 85/210 20.3.85 L96, 3.4.85, p.25 The lead content of petrol

(b) after item 51 there shall be added the following item –

“52 88/76 3.12.87 L36, 9.2.88, p.1 Measures to be taken against air pollution by gases from the engines of motor vehicles 70/220 as amended by 4D 2B”
74/290,
77/102,
78/665, and
83/351

Signed by authority of
the Secretary of State
5th September 1988

Peter Bottomley
Parliamentary Under Secretary
of State, Department of Transport

SCHEDULE

Regulation 6

The following Schedule shall be inserted after Schedule 3 to the Road Vehicles (Construction and Use) Regulations 1986.

“SCHEDULE 3A (see regulations 39A and 39B)”

EXCLUSION OF CERTAIN VEHICLES FROM THE APPLICATION OF
REGULATION 39A

PART I

1.—(1) In this Part –

“EEC type approval certificate” means a certificate issued by a member state of the European Economic Community in accordance with Community Directive 70/220 as originally made or with any amendments which have from time to time been made before 5th September 1988;

“engine capacity” means in the case of a reciprocating engine, the nominal swept volume and, in the case of a rotary engine, double the nominal swept volume;

(a) “ECE Regulation is defined in regulation 3 of and Schedule 2 to the Road Vehicles (Construction and Use) Regulations 1986.

"off-road vehicle" has the meaning given by Annex I to Council Directive 70/156/EEC of 6th February 1970(a) as amended at 5th September 1988;

"relevant authority" means -

- (a) in relation to an EEC type approval certificate issued by the United Kingdom, the Secretary of State, and
- (b) in relation to an EEC type approval certificate issued by any other member state of the European Economic Community, the authority having power under the law of that state to issue that certificate.

(2) The reference in this Schedule to a M1 category vehicle is a reference to a vehicle described as M1 in Council Directive 70/156/EEC of 6th February 1970 as amended at 5th September 1988.

3. A vehicle of a description specified in column 2 of the Table below is excluded from the application of regulation 39A if it is first used before the date specified in column 3 and the conditions specified in paragraph 3 are satisfied in respect to it on that date.

4. The conditions referred to in paragraph 2 are -

- (a) that the vehicle is a model in relation to which there is in force an EEC type approval certificate issued before 1st October 1989;
- (b) that the manufacturer of the vehicle has supplied to the relevant authority which issued the EEC type approval certificate, a certificate stating that adapting vehicles of that model to the fuel requirements specified in the Annexes to Community Directive 88/76 would entail a change in material specification of the inlet or exhaust valve seats or a reduction in the compression ratio or an increase in the engine capacity to compensate for loss of power; and
- (c) that the relevant authority has accepted the certificate referred to in sub-paragraph (b).

Table

<i>Item</i>	<i>Description of vehicle</i>	<i>Date before which vehicle must be first used</i>
(1)	(2)	(3)
1.	Vehicles with an engine capacity of less than 1400cc.	1.4.92
2.	Vehicles with an engine capacity of not less than 1400cc and not more than 2000cc.	1.4.94
3.	M1 category vehicles with an engine capacity of more than 2000cc and which - (a) are constructed or adapted to carry not more than 5 passengers excluding the driver, or (b) have a maximum gross weight of not more than 2500kg. not being in either case, an off-road vehicle.	1.4.93

(a) OJ No L42, 23.2.70, p.1; relevant amending instrument is Council Directive 87/403/EEC (OJ No L220, 8.8.87, p.44).

Amendments relating to exhaust emission

7. In regulation 61(4) for sub-paragraph (b) there shall be substituted the following sub-paragraph –

“(b) if it is propelled by a spark ignition engine –

- (i) in a case where the first use is before 1st April 1991, with Community Directive 78/665, 83/351 or 88/76, or ECE Regulation 15.03 or 15.04(a); or
- (ii) in any other case, with Community Directive 83/351 or 88/76, or ECE Regulation 15.04.”.

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4. The conditions referred to in paragraph 2 are -

- (a) that the vehicle is a model in relation to which there is in force an EEC type approval certificate issued before 1st October 1989;
- (b) that the manufacturer of the vehicle has supplied to the relevant authority which issued the EEC type approval certificate, a certificate stating that adapting vehicles of that model to the fuel requirements specified in the Annexes to Community Directive 88/76 would entail a change in material specification of the inlet or exhaust valve seats or a reduction in the compression ratio or an increase in the engine capacity to compensate for loss of power; and
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- (c) that the relevant authority has accepted the certificate referred to in sub-paragraph (b).

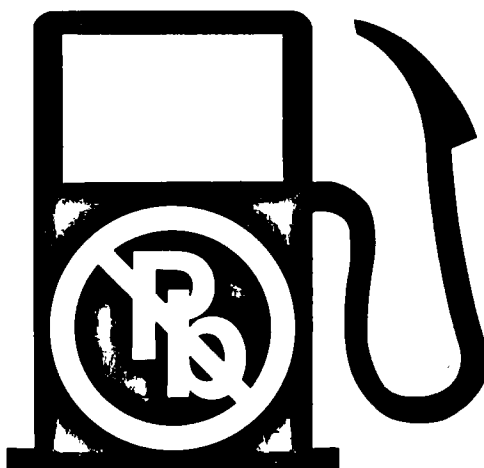
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PART II

SYMBOL INDICATING THAT VEHICLE CAN RUN ON UNLEADED PETROL



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986.

The definition of "Part I of the British Standard" in regulation 36A(5) is amended in consequence of an amendment to the British Standard for maximum road speed limiters for motor vehicles. For references to limiter suppliers in regulation 70A there are substituted references to limiter calibrators, again in consequence of the amendment to the British Standard.

A new regulation 39A is inserted. It requires vehicles with petrol engines first used on or after 1st April 1991 to be designed and constructed for running on unleaded petrol. It also prohibits the use of such a vehicle on a road if it has been altered or adjusted for running on leaded petrol if as a result it is rendered incapable of running on unleaded petrol.

A new regulation 39B provides that such vehicles must be incapable of being readily filled from a petrol pump nozzle with a diameter of 23.6mm or greater, or (if certain conditions are met) be clearly marked (in the prescribed manner) so as to indicate that unleaded petrol can be used.

A new Schedule 3A is inserted. The Schedule contains provisions for excluding vehicles from the above requirements if they are first used before specified dates and adapting vehicles of that model would entail a change in specification of the inlet or exhaust valve seats, a reduction in the compression ratio or an increase in the engine capacity to compensate for loss of power.

Regulation 61(4) is amended so that vehicles with spark ignition engines first used on or after 1st April 1991 will no longer have the option of complying with the exhaust emission requirements specified in Council Directive 70/220/EEC as last amended by Council Directive 78/665 or with EEC Regulation 15.03. However, vehicles are given the additional option of complying with Council Directive 70/220/EEC as last amended by Council Directive 88/76/EEC.

Enquiries about the British Standard should be made to the British Standards Institution at Linford Wood, Milton Keynes, MK14 6LE (telephone Milton Keynes (STD 0908) 221166).

Copies of the EEC Directives and ECE Regulations (and amendments) referred to in these Regulations can be obtained from Her Majesty's Stationery Office. The details of the ECE Directives and EEC Regulations are set out in the Table below.

<i>Principal Instrument</i>	<i>Relevant Amending Instruments</i>
1. Council Directive 70/156/EEC of 6th February 1970 (OJ No L42, 23.2.70, p.1).	Council Directive 87/403/EEC of 25th June 1987 (OJ No L220, 8.8.87, p.44).
2. Council Directive 70/220/EEC of 20th March 1970 (OJ No L76, 6.4.70, p.1 (SE 1970 (I), p.171).	Council Directive 74/290/EEC of 28th May 1974 (OJ No L159, 15.6.74, p.61); Commission Directive 77/102/EEC of 30th November 1976 (OJ No L32, 3.2.77, p.32); Commission Directive 78/665/EEC of 14th July 1978 (OJ No L223, 14.8.78, p.48); Council Directive 83/351/EEC of 16th June 1983 (OJ No L197, 20.7.83, p.1) and Council Directive 88/76/EEC of 3rd December 1987 (OJ No L36, 9.2.88, p.1).
3. Council Directive 85/210/EEC of 20th March 1985 (OJ No L96, 3.4.85, p.25).	
4. Regulation 15 annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 2nd March 1958 (Cmnd 2535) as amended (Cmnd 3562) to which the United Kingdom is a party by an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963.	Revised on 6th March 1978; revised on 20th October 1981, corrected on 9th June 1982 and amended on 1st June 1984.

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