

1990 No. 1131

ROAD TRAFFIC

The Road Vehicles (Construction and Use) (Amendment)
(No. 2)
Regulations 1990

<i>Made</i> - - - -	<i>23rd May 1990</i>
<i>Laid before Parliament</i>	<i>5th June 1990</i>
<i>Coming into force</i> -	<i>26th June 1990</i>

The Secretary of State, in exercise of the powers conferred by section 41(1) and (5) of the Road Traffic Act 1988(a) as read with section 43 of that Act and after consultation with representative organisations in accordance with section 195(2) of that Act hereby makes the following Regulations:-

Commencement and citation

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1990 and shall come into force on 26th June 1990.

Preliminary

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(b) 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 provisions of regulations 3 and 4 shall apply as from 26th June 1990 to vehicles registered under the Vehicles (Excise) Act 1971(c) before the expiration of one year from the making of these Regulations; and
- (b) notwithstanding that the said provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby.

Amendments to regulation 3 (interpretation)

3. In the Table in regulation 3(2) the following entry shall be inserted in the appropriate place-

““off-road vehicle”	an off-road vehicle as defined in Annex I to Council Directive 70/156/EEC of 6th February 1970(d) as read with Council Directive 87/403/EEC of 25th June 1987(e).”
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(a) 1988 c.52.
(b) S.I. 1986/1078; the relevant amending instruments are S.I. 1987/676 and 1988/1524.
(c) 1971 c.10.
(d) OJ No. L42, 23.2.70, p. 1.
(e) OJ No. L220, 8.8.87, p. 44.

Amendments relating to exhaust emission

4.—(1) Regulation 61 shall be amended as follows.

(2) In paragraphs (3) to (6) for the words “the Table” wherever they occur there shall be substituted the words “Table I”.

(3) After paragraph (3) there shall be inserted the following paragraph—

“(3A) A motor vehicle to which an item in Table II applies shall be so constructed as to comply with the requirements relating to conformity of production models set out in the provisions specified in that item in column (4) of that Table.”

(4) After paragraph (6) there shall be inserted the following paragraphs—

“(7) Subject to paragraphs (8), (9) and (10), no person shall use, or cause or permit to be used, on a road a motor vehicle to which an item in Table II applies if, in relation to the emission of the substances specified in column (6) of the item, the vehicle does not comply with the requirements relating to conformity of production models specified in column (4) unless the following conditions are satisfied in respect to it—

(a) the failure to meet those requirements in relation to the emission of those substances does not result from an alteration to the propulsion unit or exhaust system of the vehicle,

(b) those requirements would neither be met in relation to the emission of those substances nor would such emissions be materially reduced if maintenance work of a kind which would fall within the scope of a normal periodic service of the vehicle were to be carried out on the vehicle, and

(c) the failure to meet those requirements in relation to such emissions does not result from any device designed to control the emission of carbon monoxide, hydrocarbons, oxides of nitrogen or particulates fitted to the vehicle being other than in good and efficient working order.

(8) Paragraph (7) shall not apply to a vehicle first used before 26th June 1990.

(9) Where—

(a) a vehicle is fitted with a device of the kind referred to in sub-paragraph (c) of paragraph (7),

(b) the vehicle does not comply with the requirements specified in that paragraph in respect to it, and

(c) the conditions specified in sub-paragraphs (a) and (b) of that paragraph are satisfied in respect to the vehicle,

nothing in paragraph (7) shall prevent the vehicle being driven to a place where the device is to be repaired or replaced.

(10) Where—

(a) a vehicle was constructed or assembled by a person not ordinarily engaged in the business of manufacturing motor vehicles of that description, and

(b) the propulsion unit of the vehicle had previously been used as the propulsion unit of one or more other vehicles,

paragraphs (3A), (7), (8) and (9) shall apply to the vehicle referred to in sub-paragraph (a) as if its date of first use was the date of first use of the other vehicle, or (if there was more than one such other vehicle) the vehicle in which the propulsion unit was first so used.

(11) In this regulation, a reference to a vehicle to which an item in Table II applies is a reference to a vehicle which—

(a) is of a class specified in that item in column (2) of that Table,

(b) is first used on or after the date specified in that item in column (3) of that Table, and

(c) is not exempted by the entry in that item in column (5) of that Table.

(12) In Table II-

(a) "exempt vehicle" means-

(i) a vehicle with less than 4 wheels,

(ii) a vehicle with a maximum gross weight of less than 400 kg,

(iii) a vehicle with a maximum speed of less than 25 km/h, or

(iv) an agricultural motor vehicle;

(b) "direct injection" means a fuel injection system in which the injector communicates with an open combustion chamber or the main part of a divided combustion chamber.

(c) "indirect injection" means a fuel injection system in which the injector communicates with the subsidiary part of a divided combustion chamber.

(d) a reference in column (5) to a vehicle complying with an item is a reference to a vehicle that complies with the provisions specified in that item in column (4) whether the vehicle is or is not within the class of vehicles to which that item applies and any instrument mentioned in that item shall for the purposes of the reference have effect as if it applied to the vehicle in question (whether it would otherwise have done so or not)."

(5) The Table shall be re-named "Table I" and in Table I as so re-named-

(a) in item 3, column 4 there shall be added the following paragraph-

"(c) a vehicle to which any item in Table II applies.";

(b) item 4 shall be omitted.

(6) After Table I as re-named in accordance with paragraph (5), there shall be inserted the following Table-

TABLE II (regulation 61(3A) and (7))

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements		(5) Vehicles exempted from requirement	(6) Emitted Substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
1	Vehicles propelled by a spark ignition engine.	1st October 1982.	Community Directive 78/665, or ECE Regulation 15.03.	Annex I, paragraphs 3 and 5. Paragraphs 5, 8 and 11.	(a) A vehicle whose maximum gross weight exceeds 3500 kg; (b) A vehicle which complies with the requirements of items 2, 4, 5 or 8; (c) A vehicle whose maximum speed is less than 50 km/h; (d) An exempt vehicle.	Carbon monoxide, hydrocarbons and oxides of nitrogen.
2	All vehicles.	1st April 1991.	Community Directive 83/351, or ECE Regulation 15.04.	Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 12.	(a) A vehicle propelled by a compression ignition engine and whose maximum gross weight exceeds 3500 kg; (b) A vehicle which complies with the requirements of items 4, 5, 6 or 8; (c) An industrial tractor, works truck or engineering plant; (d) A vehicle whose maximum speed is less than 50 km/h; (e) An exempt vehicle.	Carbon monoxide, hydrocarbons and oxides of nitrogen.
3	Industrial tractors, works trucks and engineering plant propelled in each case by a compression ignition engine.	1st April 1993.	ECE Regulation 49.	Paragraphs 5 and 7.	A vehicle which complies with the requirements of item 6.	Carbon monoxide, hydrocarbons and oxides of nitrogen.

TABLE II (regulation 61(3A) and (7))

<p>4</p>	<p>Passenger vehicles which -</p> <p>(1) are constructed or adapted to carry not more than 5 passengers excluding the driver, and</p> <p>(2) have a maximum gross weight of not more than 2500 kg,</p> <p>not being in either case, an off-road vehicle and</p> <p>(a) are propelled by a spark ignition engine with a capacity of -</p> <p>(i) not less than 1400 cc and not more than 2000cc,</p> <p>(ii) more than 2000 cc, or</p> <p>(b) are propelled by an indirect injection compression ignition engine with a capacity of not less than 1400 cc, or</p> <p>(c) are propelled by a direct injection compression ignition engine with a capacity of -</p> <p>(i) not less than 1400 cc and not more than 2000cc, or</p> <p>(ii) more than 2000 cc.</p>	<p>1st April 1994.</p> <p>1st April 1993.</p> <p>1st April 1994.</p> <p>1st April 1997.</p> <p>1st April 1994.</p>	<p>Community Directive 88/76.</p>	<p>Annex I, paragraphs 5, 7 and 8.</p>	<p>(a) A vehicle which complies with the requirements of item 8;</p> <p>(b) A vehicle whose maximum speed is less than 50 km/h;</p> <p>(c) An exempt vehicle.</p>	<p>Carbon monoxide, hydrocarbons and oxides of nitrogen.</p>
<p>5</p>	<p>Vehicles which are not of a description specified in this column in items 4 and 8 but which -</p> <p>(a) are propelled by a spark ignition engine, and whose maximum gross weight is</p> <p>(i) not more than 2000 kg, or</p> <p>(ii) more than 2000 kg.</p> <p>(b) are propelled by a compression ignition engine and whose maximum gross weight is</p> <p>(i) more than 3500 kg, or</p> <p>(ii) not more than 3500 kg.</p>	<p>1st April 1992.</p> <p>1st April 1994.</p> <p>1st April 1991.</p> <p>1st April 1994.</p>	<p>Community Directive 88/76.</p>	<p>Annex I, paragraphs 5, 7 and 8.</p>	<p>(a) A vehicle within the meaning given by Article 1 of Community Directive 88/77 and which complies with the requirements of item 6;</p> <p>(b) An industrial tractor, works truck or engineering plant;</p> <p>(c) A vehicle whose maximum speed is less than 50 km/h;</p> <p>(d) An exempt vehicle.</p>	<p>Carbon monoxide, hydrocarbons and oxides of nitrogen.</p>

TABLE II (regulation 61(3A) and (7))

6	All vehicles propelled by compression ignition engines.	1st April 1991.	Community Directive 88/77.	Annex I, paragraphs 6, 7 and 8.	(a) A vehicle whose maximum gross weight is less than 3500 kg, is first used before 1st April 1994 and which complies with the requirements of item 2; (b) A vehicle which complies with the requirements of items 4 or 5; (c) A fire appliance which is first used before 1 October 1992; (d) An industrial tractor, works truck or engineering plant; (e) An exempt vehicle.	Carbon monoxide, hydrocarbons and oxides of nitrogen.
7	Passenger vehicles which - (a) are constructed or adapted to carry not more than 5 passengers excluding the driver, and (b) have a maximum gross weight of not more than 2500 kg, which are propelled by a compression ignition engine of (i) the indirect injection type, or (ii) the direct injection type.	1st April 1991. 1st April 1997.	Community Directive 88/436.	Annex I, paragraphs 5, 7 and 8, as far as they relate to particulate emissions.	(a) A vehicle whose maximum speed is less than 50 km/h; (b) An off-road vehicle. (c) An exempt vehicle.	Particulates.
8	Passenger vehicles propelled by an engine with a capacity of less than 1400 cc which - (a) are constructed or adapted to carry not more than 5 passengers excluding the driver, and (b) have a maximum gross weight of not more than 2500 kg.	31st December 1992.	Community Directive 89/458	Annex I, paragraphs 5, 7 and 8.	(a) A vehicle whose maximum speed is less than 50 km/h; (b) An off-road vehicle. (c) An exempt vehicle.	Carbon monoxide, hydrocarbons and oxides of nitrogen.

Power measurement

5. In paragraph 1(b)(iii) of Part III of Schedule 8 there shall be inserted after the words "15th of February 1984" the words "or Annex 10 of ECE Regulation 24.03 or Community Directive 88/195".

Minor and consequential amendments

6.—(1) In Table 1 of Schedule 2 after item 53 there shall be added the following items—

"54	88/77	3.12.87	L36, 9.2.88, p. 33	Measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles		4E	2D
55	88/195	24.3.88	L92, 9.4.88, p. 50	Engine power of motor vehicles	80/1269		
56	88/436	16.6.88	L214, 6.8.88, p. 1	Measures to be taken against air pollution by gases from engines of motor vehicles (restriction of particulate pollutant emissions from diesel engines)	70/220 as amended by 74/290, 77/102, 78/665, 83/351 and 88/76	27	
57	89/458	18.7.89	L226, 3.8.89, p. 1	Measures to be taken against air pollution by emissions from motor vehicles	70/220 as amended by 74/290, 77/102, 78/665, 83/351, 88/76 and 88/436"		

(2) In Table II of Schedule 2, after item 21 there shall be inserted the following item—

"21A	49	49	15.4.82.	Emissions of gaseous pollutants	—	—	—
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(3) In Schedule 3A—

- (a) in paragraph 1, the definition of "off-road vehicle" shall be omitted, and
- (b) paragraphs 3 and 4 shall be re-numbered as paragraphs 2 and 3 respectively.

Signed by the authority of the
Secretary of State for Transport

Robert Atkins
Parliamentary Under
Secretary of State,
Department of Transport

23rd May 1990

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 "off-road vehicle" contained in Community Directive 87/403/EEC is added to regulation 3(2) of the 1986 Regulations (regulation 3).

Regulation 61 of the 1986 Regulations is amended so as to introduce:

- (a) compulsory compliance with the limits on gaseous emissions from cars and light vans set by Community Directive 83/351/EEC and the technically similar ECE Regulation 15.04;
- (b) more stringent limits on gaseous emissions from cars and light vans set by Community Directives 88/76/EEC, and 89/458/EEC;
- (c) new limits on gaseous emissions from diesel engined vehicles over 3500 kg gross weight set by Community Directive 88/77/EEC;
- (d) the technical requirements set by ECE Regulation 49 for diesel engined industrial tractors, works trucks and engineering plant;
- (e) new limits on particulate emissions from diesel engined cars set by Community Directive 88/436/EEC; and
- (f) prohibitions on the use of a vehicle which fails to meet with such of the above requirements as are applicable to it where: the failure results from an alteration to the engine or exhaust system; the requirements would be met or the emissions could be materially reduced if the vehicle were to undergo a normal periodic service; or the failure is due to equipment on the vehicle specifically designed to reduce emissions not being in good and efficient working order. (Regulation 4)

The provisions of Schedule 8 to the 1986 Regulations as to engine power measurement are amended to take account of Community Directive 88/195/EEC and the technically similar ECE Regulation 24.03. (Regulation 5)

Copies of the EEC Directives and ECE Regulations of relevance to these Regulations can be obtained from Her Majesty's Stationery Office. The details of the relevant EEC Directives and ECE Regulations are set out 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 28th May 1974 (OJ No L159, 15.6.74, p. 61); Commission Directive 77/102/EEC of 30th November 1976 (OJ No L132, 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); Council Directive 88/76/EEC of 3rd December 1987 (OJ No L36, 9.2.88, p. 1); Council Directive 88/436/EEC of 16th June 1988 (OJ No L214, 6.8.88, p. 1, to which there is corrigendum in OJ No L303, 8.11.88, p. 36); and Council Directive 89/458/EEC of 18th July 1989 (OJ No L226, 3.8.89, p. 1).
3. Council Directive 88/77/EEC of 3rd December 1987 (OJ No L36, 9.2.88, p. 33).	
4. Council Directive 80/1269/EEC of 16th December 1980 (OJ No L375, 31.12.80, p. 46).	Commission Directive 88/195/EEC of 24th March 1988 (OJ No L92, 9.4.88, p. 50).

Principal Instrument***Relevant Amending Instruments***

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| 5. 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. | Amended on 11th December 1974; amended on 1st March 1977; amended on 6th March 1978; amended on 20th October 1981. |
| 6. Regulation 24 annexed to that Agreement. | Amended on 11th September 1973; amended on 11th February 1980; amended on 20th April 1986. |
| 7. Regulation 49 annexed to that Agreement. | |
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