#### STATUTORY INSTRUMENTS

# 1993 No. 2199

# **ROAD TRAFFIC**

The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1993

Made - - - - 8th September 1993
Laid before Parliament 10th September 1993
Coming into force - - 1st October 1993

The Secretary of State for Transport, in exercise of the powers conferred by sections 41(1), (2) and (5) of the Road Traffic Act 1988(1), and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

### **Citation and Commencement**

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1993 and shall come into force on 1st October 1993.

### **Preliminary**

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

#### Amendments to regulation 3 (interpretation)

- 3. In regulation 3, before paragraph (3), there shall be inserted the following paragraph—
  - "(2A) Without prejudice to section 17 of the Interpretation Act 1978(3) and subject to the context, a reference in these Regulations to any enactment comprised in subordinate legislation (within the meaning of that Act) is a reference to that enactment as from time to time amended or re-enacted with or without modification."

## Amendments to regulation 61 (exhaust emissions)

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

<sup>(1) 1988</sup> c. 52; section 41 is amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.

<sup>(2)</sup> S.I.1986/1078; relevant amending instruments are S.I. 1990/2212, 1991/1526 and 1992/2137 and 3285.

<sup>(3) 1978</sup> c. 30.

- (2) In paragraph (4), for sub-paragraph (b) there shall be substituted the following sub-paragraph—
  - "(b) if it is propelled by a spark ignition engine, with any instrument mentioned in column (4)(a) of Table II.".
  - (3) In paragraph (7), after "(7A),", there shall be inserted "(7B), (7C), (7D),".
  - (4) After paragraph (7A), there shall be inserted the following paragraphs—
    - "(7B) In relation to a vehicle to which Part III of Schedule 1B of the Type Approval for Goods Vehicles Regulations(4) applies, item 9 of Table II shall have effect as if for the entry in column (3) there were substituted "1st October 1994".
    - (7C) In relation to a vehicle to which neither the Type Approval of Goods Vehicles Regulations not the Type Approval (Great Britain) Regulations(5) applies, and which was one among the first specified number of relevant vehicles to have been manufactured, item 9 of Table II shall have effect as if for the entry in column (3) there were substituted "1st October 1994".
    - (7D) For the purposes of paragraph (7C) above, in relation to a vehicle ("the vehicle in question"),—
      - (a) "specified number" is 10 per cent. of the total number of vehicles to which neither the Type Approval for Goods Vehicles Regulations nor the Type Approval (Great Britain) Regulations applies that were both—
        - (i) manufactured by the manufacturer of the vehicle in question; and
        - (ii) registered under the Vehicles (Excise) Act 1971(6) during the period beginning with 1st October 1992 and ending with 30th September 1993;

or 50 whichever is the greater; and

- (b) "a relevant vehicle" is a vehicle which—
  - (i) is not subject to either the Type Approval for Goods Vehicles Regulations or the Type Approval (Great Britain) Regulations;
  - (ii) was manufactured by the manufacturer of the vehicle in question on or after 1st April 1991 and before 1st October 1993;
  - (iii) was in the territory of a member State at some time before 1st October 1993;
  - (iv) was in existence on 1st October 1993; but
  - (v) had not been registered under the Vehicles (Excise) Act 1971 before1st October 1993.".
- (5) In paragraph (11)(c), for "or 10" there shall be substituted ", 10 or 11".
- (6) In column 4 of item 3 of Table I, sub-paragraph (b) shall be omitted.
- (7) For Table II, there shall be substituted the Table set out in the Schedule to these Regulations.

### **Consequential amendments**

5.—(1) In Table I of Schedule 2, after item 67, there shall be inserted the following item—

<sup>(4) &</sup>quot;The Type Approval for Goods Vehicles Regulations" is defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as meaning "The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982" (S.I. 1982/1271). Relevant amendments were made to the 1982 Regulations by S.I. 1984/697, 1985/46, 1986/427 and 1089, 1987/1508, 1988/1523, 1989/1579, 1991/1021, 1992/25, 1342 and 3084 and 1993/2200.

<sup>(5) &</sup>quot;The Type Approval (Great Britain) Regulations" is defined in regulation 3(2) of The Road Vehicles (Construction and Use) Regulations 1986 as meaning "The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984" (S.I. 1984/981). Relevant amendments were made to the 1984 Regulations by S.I. 1984/1761, 1985/1651, 1987/1509 and 1991/1022.

<sup>(6) 1971</sup> c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31).

"60	93/59	29.6.02	Маадимад	70/220 as	417	21"
"68	93/39	28.6.93	Measures	70/220 as	4K	21
			to be taken	amended		
			against air	by 74/290,		
			pollution by	77/102,		
			emissions	78/665,		
			from motor	83/351,		
			vehicles	88/76,		
				88/436,		
				89/458 and		
				91/441		

(2) In Table II of Schedule 2—

(a) after item 21AA there shall be inserted the following item—

"21AB	49.02	2	49	15.4.82	Emission of gaseou pollutants	18
(b) a:	fter item 24	there shall	be inserted the	e following item	S	
"25	83	83	5.11.89	Emissions – of gaseous pollutants	_ 4	F 2H
26	83.01	83	5.11.89	Emissions 3 of gaseous pollutants	0.12.92 4	K 2F"

Signed by authority of the Secretary of State for Transport

Robert Key
Parliamentary Under Secretary of State,
Department of Transport

8th September 1993

# THE SCHEDULE

Regulation 4

# "TABLE II

Instrument P in w	b) Place in Instrument where requirements are stated	(5) Vehicles exempted from requirements	requirements (6) Emitted substances	ent S		
pr by ig	Tehicles ropelled y a spark gnition ngine.	1st October 1982	Community Directive 78/665  or  ECE Regulation 15.03	Annex I, paragraphs 3 and 5.  Paragraphs 5, 8 and 11.	(a) (b)	vehindenoxide, wholey drocarbons maximul oxides grosof nitrogen. weight exceeds 3,500kg; A vehicle which complies with the requirements of item 2, 4, 5, 8, or 11;

(1) Item	(2) Class	(3) Date of	(4) Design, o	construction		
` '	of Vehicle	First Use	and equipme requirement	ent		
(a) Instrument	(b) Place in instrument where requirements are stated	Vehicles exempted from requirements	(6) Emitted substances			
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) (b)	A Carbon vehirlenoxide, properhedadocarbons by and oxides a of nitrogen. compression ignition engine and whose maximum gross weight exceeds 3,500kg; A vehicle which complies with the requirements of item 4, 5, 8
						or 11;
					(c)	A vehicle within the meaning given by Article 1 of Community Directive 88/77 and

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, and equipm requirement (6)			
Instrument	Place in instrument where	Vehicles exempted from s requirements	Emitted substances			
						which complies with the requirements of item 6, 9, or 10;
					(d)	An industrial tractor, works truck or engineering plant;
					(e)	A vehicle whose maximum speed is less than 50km/h;
					(f)	An exempt vehicle.
3	Industrial tractors, works trucks and engineering plant propelled in each case by a compression	1st April 1993	ECE Regulation 49	Paragraphs 5 and 7.	A vehicle which complies with the requirem of item 6 10 or 11.	monoxide, hydrocarbons and oxides ents of nitrogen.

(1) Item  (a) Instrument	(2) Class of Vehicle  (b) Place in instrument where requirements are stated ignition engine.	(3) Date of First Use (5) Vehicles exempted from requirements	(4) Design, of and equipment requirement (6) Emitted substances	ent		
4	Passenger vehicles which—  (a) are construct or adapted to carry not more than 5 passeng excluding the driver, and (b) have a maximum gross weight of not more than 2,500kg not being off-road vehicles	gers ng um	Community Directive 88/76 or Community Directive 89/458 or ECE Regulation 83	Annex I, paragraphs 5, 7 and 8.  Annex I, paragraphs 5, 7 and 8.  Paragraphs 5, 8 and 13.	(a) (b)	A Carbon vehirdenoxide, which ydrocarbons computes oxides withof nitrogen. the requirements of item 2, 8 or 11; A vehicle whose maximum speed is less than 50km/h; An exempt vehicle.
5	Vehicles which are not of a description specified in this column in item 4 but which—  (a) are propelled by a	1st April 1992 1st April 1991	Community Directive 88/76  or  ECE Regulation 83	Annex I, paragraphs 5, 7 and 8.  Paragraphs 5, 8 and 13.	(a)	A Carbon vehindenoxide, withinydrocarbons the and oxides meanfinitrogen. given by Article 1 of Community

(1) Item		Class Cehicle	(3) Date of First Use	(4) Design, construction and equipment		
	01 1	Cilicic	i iist Ose	requirements		
(a)	(b)		(5)	(6)		
Instrument	Plac	e in	Vehicles	Emitted		
	instr	rument	exempted	substances		
	whe		from			
			requirements			
	are s	stated				<del></del>
		spark				Directive
		ignition				88/77
		engine and				and which
		have a				complies
		maximu	m			with
		gross				the
		weight				requirements
		of not				of
		more				item
		than				6,
		2,000kg	,			9,
						10,
	(l <sub>2</sub> )	or				or
	(b)	are propelle	d			11;
		by a	u		(b)	An
		compres	sion			industrial
		ignition				tractor, works
		engine				truck
		and				or
		have a				engineering
		maximu	m			plant;
		gross			(c)	
		weight of			(0)	vehicle
		more				whose
		than				maximum
		3,500kg				speed
		2,000118	•			is
						less
						than
						50km/
						h;
					(d)	
						vehicle
						which complies
						with
						the
						requirements
						of
						item
						8;
				Q		

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements			
(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances			
					(e)	An exempt vehicle.
6	All vehicles propelled by compression ignition engines.	1st April 1991	Community Directive 88/77 or ECE Regulation 49.01	Annex I, paragraphs 6, 7 and 8.  Paragraphs 5, 6 and 7.	(a)	A Carbon vehindenoxide, whosydrocarbons maximuloxides grosef nitrogen. weight is less than 3,500kg and which complies with the requirements of item 2;
					(b)	vehicle which complies with the requirements of item 4, 5, 8, 9, 10 or 11;

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, and equipmed requirement			
(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances	3		
						is first used before 1st October 1992;
					(d)	An industrial tractor, works truck or engineering plant;
					(e)	An exempt vehicle.
7	Passenger vehicles which—  (a) are construct or adapted to carry not more than 5 passeng excludin the driver, (b) have a maximum gross weight of not more than	ers ng um	Community Directive 88/436	Annex I, paragraphs 5, 7 and 8 as far as they relate to particulate emissions.	(a) (b)	vehicle which complies with the requirements of item 8 or 11; A vehicle whose maximum speed is less than 50km/ h;
	2,500kg	,			(c)	An off-

(1) Item	(2) Class of Vehicle	(3) Date of First Use	and equipmorequirement			
(a) Instrument	are stated	(5) Vehicles exempted from s requirements	(6) Emitted substances			
	and (c) are propelled by a compresignition engine of the indirection type.	ssion			(d)	road vehicle; An exempt vehicle.
8	All vehicles.	31st December 1992	Community Directive 91/441 or ECE Regulation 83.01	Annex I, paragraphs 5, 7 and 8.  Paragraphs 5, 8 and 13.	(a)	A Carbon vehindenoxide, withinydrocarbons, the oxides of meanitrogen and givenarticulates. by Article 1 of Community Directive 88/77 and which— (i) complies with the requirements of item 6 and is first used before 1st October 1993, or

(1) Item	(2) Class	(3) Date of	(4) Design, construction	
	of Vehicle	First Use	and equipment	
			requirements	
(a)	(b)	(5)	(6)	
Instrument	Place in	Vehicles	Emitted	
	instrument	exempted	substances	
	where	from		
	requirements	requirements		
	are stated			
				(ii) complies

- (ii) complies
  with
  the
  requirements
  of
  item
  9,
  10
  or
  11;
- (b) An industrial tractor, works truck or engineering plant;
- (c) A vehicle whose maximum speed is less than 50km/h;
- (d) An exempt vehicle.
- All vehicles 1st October Community Annex I, propelled 1993 Directive paragraphs by a 91/542 6, 7 and 8 compression (excluding ignition line B in or engine. the Tables ECE in sub-Regulation paragraphs 49.02 6.2.1 and 8.3.1.1).

9

(a) A Carbon vehindenoxide, which drocarbons, comparities of with nitrogen and the particulates. requirements of item 8, 10

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, of and equipment requirement (6)			
Instrument	Place in instrument where	Vehicles exempted from requirements	Emitted substances			
				Paragraphs 5, 6 and 7 (excluding line B in the Tables in subparagraphs 5.2.1 and 7.4.2.1).		or 11; An industrial tractor, works truck or engineering plant; An exempt vehicle.
10	All vehicles propelled by a compression ignition engine.	1st October 1996	Community Directive 91/542 or ECE Regulation 49.02	Annex I, paragraphs 6, 7 and 8 (excluding line A in the Tables in subparagraphs 6.2.1 and 8.3.1.1).	(a)	A Carbon vehindenoxide, which drocarbons, compliates of withnitrogen and the particulates. requirements of item 8 or
				Paragraphs 5, 6 and 7 (excluding line A in the Tables in subparagraphs 5.2.1 and 7.4.2.1).		An industrial tractor, works truck or engineering plant;
					(6)	exempt vehicle.
11	All vehicles.	1st October 1994	Community Directive 93/59	Annex I, paragraphs 5, 7 and 8.	(a)	A Carbon vehindenoxide, withinydrocarbons, the oxides of meaning

Document Generated: 2023-04-28

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) Item	(2) Class	(3) Date of	(4) Design, construction		
( )	of Vehicle	First Use	and equipment		
(a) Instrument	(b) Place in instrument where requirements	(5) Vehicles exempted from requirements	requirements (6) Emitted substances		
	are stated	1			
	are stated			(b)	givenitrogen and by particulates." Article 1 of Community Directive 88/77 and which complies with the requirements of items 9 or 10; An industrial tractor,
					works truck or engineering plant;
					Vehicles whose maximum speed is less than 50km/ h;
				(d)	An exempt vehicle.

#### EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986. Regulation 61 of the 1986 Regulations is amended so as to introduce:

- (a) compulsory compliance with the limits on emissions from light-duty vehicles first used on or after 1st October 1994 as set by Council Directive 93/59/EEC;
- (b) provision for such vehicles first used before the 1st October 1994 and other vehicles whenever first used to comply with those limits as an alternative to existing requirements;
- (c) provision for vehicles required to comply with various Council Directives to comply with equivalent ECE Regulations as an alternative to the Directives.

Vehicles other than light-duty vehicles were required by the 1986 Regulations to comply with the requirements of Council Directive 91/542/EEC if they were first used on or after 1st October 1993. The amendments made by these Regulations postpone this requirement by one year for certain vehicles manufactured between 1st April 1991 and 1st April 1993; and for certain other vehicles manufactured between 1st April 1991 and 1st October 1993.

Copies of the EEC Directives and ECE Regulations which are relevant 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.

### **Principal Instrument**

Council Directive 70/220/EEC of 20th March 1970 (OJ No L76, 6.4.70, p.1) (SE 1970(I), p.171).

### **Amending Instruments**

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 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 a corrigendum in OJ No L303, 8.11.88, p.36); Council Directive 89/458/EEC of 18th July 1989 (OJ No L226, 3.8.89, p.1); Council Directive 91/441/EEC of 26th June 1991 (OJ No L242, 30.8.91, p.1) and Council Directive 93/59/EEC of 28th June 1993 (OJ No L186, 28.7.93, p.21).

Regulation 49 dated 15th April 1982 and 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 20th March 1958 (Cmnd 2535) as

Amended on 14th May 1990 and 30th December 1992.

Document Generated: 2023-04-28

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Principal Instrument	Amending Instruments
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.	
Regulation 83 dated 5th November 1989 and annexed to that Agreement.	Amended on 30th December 1992.