
STATUTORY INSTRUMENTS

1995 No. 551

The Road Vehicles (Construction and Use) (Amendment) Regulations 1995

Amendments to Regulation 15 (braking systems of certain vehicles first used on or after 1st April 1983)

3.—(1) Regulation 15 shall be amended as follows.

(2) In paragraph (1), the words “except sub-paragraph (b)(ii)” shall be omitted, for the words “the trailer” there “1983 or” in the proviso there shall be inserted the word “which”.

(3) In paragraph (1A), the words “(b) and (c)” shall be omitted.

(4) In paragraph (1C), the words “(b) and (c)” shall be omitted, for “(5)” there shall be substituted “(5A)” and after the words “1992 or” in the first place where they appear there shall be inserted the word “which,”.

(5) After paragraph (1C) there shall be inserted the following paragraph—

“(1D) Save as provided in paragraphs (2), (3), (3A) and (5A), the braking system of every wheeled vehicle of a class specified in an item in column 2 of the Table which, in the case of a motor vehicle, is first used on or after 1st April 1995 or which, in the case of a trailer, is manufactured on or after that date shall comply with the construction, fitting and performance requirements specified in Annexes I, II and VII to Community Directive 91/422(1), and if relevant, Annexes III, IV, V, VI, VIII, X, XI and XII to that Directive in relation to the category of vehicles specified in that item in column 3.

Provided that it shall be lawful for any vehicle of such a class which, in the case of a motor vehicle, was first used before 1st April 1995 or which, in the case of a trailer, was manufactured before that date to comply with the said requirements instead of complying with paragraph (1), (1A) or (1C) or with regulations 16 and 17.”.

(6) In item 1 of the Table, for the words “and adapted” there shall be substituted the words “or adapted”.

(7) In paragraph (2), for “and (1C)” there shall be substituted “, (1C) and (1D)” and in sub-paragraph (j) for the word “and” there shall be substituted the word “or”.

(8) In paragraph (3)—

(a) for “and (1C)” there shall be substituted “, (1C) and (1D)”;

(b) in sub-paragraph (a) for “and 88/194” there shall be substituted “, 88/194 and 91/422” and for “or 88/194” there shall be substituted “, 88/194 or 91/422”;

(c) for paragraph (b), there shall be substituted the following paragraph—

“(b) in items 2 and 3—

(i) the requirements specified in paragraph 1.1.4.2 of Annex II to Community Directive 79/489, 85/647, 88/194 and 91/422 shall not apply in relation to any vehicle first used before 1st April 1996;

(1) “Community Directive” is defined in regulation 3(2) of, and Table I of Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986. Table I of Schedule 2 is amended by regulation 9 of these Regulations.

- (ii) those requirements shall not apply in relation to any relevant bus first used on or after that date;
- (iii) sub-note (2) to paragraph 1.17.2 of Annex I to Community Directive 85/647, 88/194 and 91/422 shall not apply in relation to any vehicle, and for the purposes of this sub-paragraph “relevant bus” means a bus that is not a coach;”;
- (d) in sub-paragraph (d)(i), after the words “the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations 1990”(2) there shall be inserted the words “, or the corresponding fee prescribed under any corresponding previous enactment” and for the words “belongs complies” there shall be substituted the words “belonged complied”.
- (9) In paragraph (3A), for the words “paragraph (1A)” there shall be substituted the words “paragraphs (1A), (1C) and (1D)”.
- (10) After paragraph (3A), there shall be inserted the following paragraph—
 - “(3B) No motor vehicle to which paragraph (1D) applies and which is first used on or after 1st April 1996 shall be fitted with an integrated retarder unless either—
 - (a) the motor vehicle is fitted with an anti-lock device which acts on the retarder and which complies with the requirements specified in Annex X to Community Directive 91/422; or
 - (b) the retarder is fitted with a cut-out device which allows the combined control to apply the service braking system alone and which can be operated by the driver from the driving seat;and expressions (other than the word “vehicle”) used in this paragraph which are also used in Annex I to Community Directive 85/647 shall, for the purposes of this paragraph, have the same meanings as in that Annex save that “retarder” shall not in any circumstances include a regenerative braking system.”.
- (11) In paragraph (5A), after “(1C)” there shall be inserted “or (1D)”.
- (12) In paragraph (7), for “or 88/194” there shall be substituted the words “, 88/194 or 91/422”.
- (13) Regulation 15, as amended by this regulation and previous regulations with minor adjustments to the punctuation and spelling, is set out in the Schedule to these Regulations.