
STATUTORY INSTRUMENTS

1996 No. 2064

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 3) Regulations 1996**

<i>Made</i>	- - - -	<i>22nd July 1996</i>
<i>Laid before Parliament</i>		<i>7th August 1996</i>
<i>Coming into force</i>		
<i>Regulation 4</i>		<i>1st September 1997</i>
<i>Remainder</i>		<i>1st September 1996</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 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: —

1.—(1) These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1996.

(2) Regulation 4 shall come into force on 1st September 1997 and all other regulations shall come into force on 1st September 1996.

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

3.—(1) Regulation 36B shall be amended as follows.

(2) Paragraphs (3), (4) and (5) (being spent provisions) shall be omitted.

(3) For paragraph (9), there shall be substituted the following paragraph —

“(9) Subject to paragraph (11A), the requirements of this paragraph are that a speed limiter fitted to a paragraph (2) vehicle must be set at a speed not exceeding 85 km/h and the stabilised speed of the vehicle must not exceed 90 km/h.”.

(4) After paragraph (11) there shall be inserted the following paragraph —

(1) 1988 c. 52. Section 41 was amended by paragraph 50 of Schedule 4 to the Road Traffic Act 1991 (c. 40) and by Schedule 8 to that Act.
(2) S.I.1986/1078; relevant amending instrument is S.I. 1993/3048.

“(11A) Where —

- (a) a speed limiter fitted to a paragraph (2) vehicle is set at a particular speed above 85 km/h (approximately 52.8 mph); and
- (b) the processes used in the construction of the vehicle, the speed limiter and its other equipment were such as to ensure that, with the speed limiter set at that particular speed, the vehicle would have a stabilised speed of not more than 90 km/h (approximately 55.9 mph),

the speed limiter of the vehicle shall, for the purposes of paragraph (9) and regulation 70A, be deemed to have been set at a speed of 85 km/h.”

(5) After paragraph (12), there shall be inserted the following paragraph —

“(12A) Until 1st September 1997, paragraph (11A) shall have effect with the omission of the words “and regulation 70A”.”

(6) In paragraph (15) —

- (a) the words ““set speed”,” shall be omitted;
- (b) the word “and” immediately before the definition of “relevant speed” shall be omitted and after that definition there shall be inserted —

““set speed”, in relation to a paragraph (1) vehicle, has the same meaning as in regulation 36A; and

subject to paragraph (11A), “set” in relation to a speed limiter fitted to a paragraph (2) vehicle, has the same meaning as in Community Directive 92/6;(3) and references to the speed at which a speed limiter is set shall be construed accordingly.”

4. In regulation 70A, there shall be inserted at the beginning of paragraph (3) the words “Subject to regulation 36B(11A),”.

5. In Table I of Schedule 2, after item 64 there shall be inserted the following item —

64A	92/6	10.2.92	L57, 2.3.92, p.27	The installation and use of speed limitation devices
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Signed by authority of the Secretary of State for Transport

Department of Transport
22nd July 1996

Steven Norris
Parliamentary Under Secretary of State,

(3) “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 5 of these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 36B required certain heavy goods vehicles to be fitted with a speed limiter and for the limiter to be so set that the stabilised speed of the vehicle is less than 56 mph. These Regulations amend regulation 36B so that in general the stabilised speed of these vehicles will have to be not more than 90 km/h (approximately 55.9 mph) and the limiter will have to be set at not more than 85 km/h (approximately 52.8 mph). However, it will be permissible for a limiter to be set at a particular speed above 85 km/h if the processes used in the construction of the vehicle, the limiter and its other equipment are such as to ensure that the stabilised speed of the vehicle is not more than 90 km/h when the limiter is set at that speed.

Regulation 36B implements Council Directive 92/6 (OJ No. L57, 2.3.92, p.27) and Council Directive 92/94 (OJ No.L129, 14.5.92, p.92).

Copies of the Directives can be obtained from Her Majesty's Stationery Office.

A compliance cost assessment has been prepared and copies can be obtained from the Department of Transport, Zone 2/05, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone 0171-271 4653). Copies are being placed in the Libraries of each House of Parliament.