

2000 No. 3197

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 3) Regulations 2000**

Made - - - - - 6th December 2000

Laid before Parliament 6th December 2000

Coming into force - - 1st January 2001

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(a), 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. 3) Regulations 2000 and shall come into force on 1st January 2001.

Preliminary

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

Amendments to regulation 13A

3. For regulation 13A there shall be substituted the following regulation:

“13A.—(1) Every vehicle to which this regulation applies shall be able to move on either lock so that, both with and without all its wheels in contact with the surface of the road and disregarding the things set out in paragraphs (a) to (m) in the definition of “overall width” and in paragraph (i)(a) to (o) in the definition of “overall length” in the Table in regulation 3, no part of it projects outside the area contained between concentric circles with radii of 12.5m and 5.3m.

(a) 1988 c.52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(b) S.I. 1986/1078; relevant amending instruments are S.I. 1990/1131, 1991/1526, 1992/2137, 1995/2210, 1996/2329, 1996/3017, 1997/1458, 1997/1544, 1998/1000 and 1998/1188.

- (2) This regulation applies to all articulated vehicles except the following:
- (a) an articulated vehicle, the semi-trailer of which—
 - (i) was manufactured before 1st April 1990 and has an overall length that does not exceed the overall length it had on that date,
 - (ii) is a car transporter,
 - (iii) is a low loader,
 - (iv) is a stepframe low loader, or
 - (v) is constructed and normally used for the conveyance of indivisible loads of exceptional length;
 - (b) an articulated vehicle having an overall length not exceeding 15.5m and of which the drawing vehicle was first used before 1st June 1998 or the trailer was first used before that date; or
 - (c) an articulated vehicle when an axle of the trailer is raised to aid traction.

(3) In relation to a vehicle manufactured before 1st June 1998, paragraph (1) shall have effect as if the words “both with and without all its wheels in contact with the surface of the road and” were omitted.

(4) An articulated vehicle shall be taken to comply with paragraph (1) if the semi-trailer comprised in it is, by virtue of paragraph 7.6.1.2 of Annex 1 of Community Directive 97/27/EC (a), deemed to comply with paragraph 7.6.1 of that Annex.”

Amendments to regulation 61 (emission of smoke, vapour, gases, oily substances etc)

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

(2) After paragraph (2) there shall be inserted the following paragraph—

“(2A) Paragraphs (3), (3A), (3C), (4A), (5)(b), (5)(c), (6), (7), (8), (9), (10) and (11) shall not apply to motor vehicles first used on or after 1st January 2001.”

(3) After the words “agricultural vehicle” in paragraph (4)(a), there shall be inserted “first used before 1st January 2001”.

(4) After the words “In Table II” in paragraph (12), there shall be inserted “and paragraphs (10B) and (10BB)”.

(5) In Table II—

- (a) in item 11, after the entry in column (4)(a) there shall be inserted “or ECE Regulation 83.02”;
- (b) in item 12, after the entry in column (4)(a) there shall be inserted “or ECE Regulation 83.03”; and
- (c) in items 13 and 14, after the entry in column (4)(a) there shall be inserted “or ECE Regulation 83.04”.

New regulation 61A (emission of smoke, vapour, gases, oily substances etc—requirements for certain motor vehicles first used on or after 1st January 2001

5.—(1) After regulation 61, there shall be inserted the following—

“Emission of smoke, vapour, gases, oily substances etc—further requirements for certain motor vehicles first used on or after 1st January 2001

61A.—(1) This regulation shall apply to motor vehicles first used on or after 1st January 2001.

(2) Subject to paragraphs (5) to (7) and Schedule 7XA, a motor vehicle in any category shall comply with such design, construction and equipment requirements and such limit values as may be specified for a motor vehicle of that category and weight by any Community Directive specified in item 1 or 2 of the Table and from such date as is specified by that Community Directive.

(a) O.J. L233, 25.8.97, p. 1. “Community Directive” is defined by regulation 3(2) of, and Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986.

(3) Subject to paragraphs (4) to (7) and Schedule 7XA, no person shall use, or cause or permit to be used, on a road a motor vehicle if the motor vehicle does not comply with such limit values as may apply to it by virtue of any Community Directive specified in item 1 or 2 of the Table, and from such date as is specified by that Community Directive, unless the following conditions are satisfied with respect to it—

- (a) the failure to meet the limit values does not result from an alteration to the propulsion unit or exhaust system of the motor vehicle;
- (b) neither would those limit values be met nor the emissions of gaseous and particulate pollutants and smoke and evaporative 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 carried out on the motor vehicle; and
- (c) the failure to meet those limit values does not result from any device designed to control the emission of gaseous and particulate pollutants and smoke and evaporative emissions which is fitted to the motor vehicle being other than in good and efficient working order.

(4) Subject to paragraphs (5) to (7) and Schedule 7XA, where—

- (a) a motor vehicle is fitted with a device of the kind referred to in sub-paragraph (c) of paragraph (3);
- (b) the motor vehicle does not comply with the limit values applying to it which are referred to in that paragraph; and
- (c) the conditions specified in sub-paragraphs (a) and (b) of paragraph (3) are satisfied in respect of the motor vehicle

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

(5) Subject to paragraph (6), if the Secretary of State has exempted any motor vehicle produced in a small series from one or more of the provisions of a Community Directive specified in item 1 of the Table in accordance with the procedure in Article 8(2)(a) of the Framework Directive then paragraphs (2) to (4) shall not apply to that motor vehicle insofar as it has been so exempted.

(6) If any motor vehicle has been exempted from one or more of the provisions of a Community Directive specified in item 1 of the Table in accordance with paragraph (5), then in the Table as it applies to that motor vehicle there shall be deemed to be substituted, for the reference to Community Directive 96/69/EC or ECE Regulation 83.04, Community Directive 98/69/EC and 1999/102/EC-

- (a) in the case of passenger cars as defined in regulations 61(11A), a reference to Community Directive 94/12/EC or ECE Regulation 83.03; and
- (b) in the case of other motor vehicles of category M, a reference to Community Directive 93/59/EEC or ECE Regulation 83.02

and in any such case paragraphs (2) to (4) shall apply to the motor vehicle as if they referred to the substituted Community Directives or ECE Regulations.

(7) If any motor vehicle has been exempted from one or more of the provisions of a Community Directive specified in item 1 or 2 of the Table in accordance with Schedule 7XA, then in the Table as it applies to that motor vehicle there shall be deemed to be substituted—

- (a) for the reference to Community Directive 98/69/EC and 1999/102/EC, a reference to Community Directive 96/69/EC or ECE Regulation 83.04; and
- (b) for the reference to Community Directive 1999/96/EC, a reference to Community Directive 91/542/EEC or ECE Regulation 49.02

and in any such case paragraphs (2) to (4) shall apply to the motor vehicle as if they referred to the substituted Community Directives or ECE Regulations.

(8) In this regulation—

- (a) “category” means a category for the purpose of Annex II of the Framework Directive;
- (b) “date as is specified” means the date specified by the relevant Community Directive as that from which Member States are required to prohibit the registration or the entry into service of motor vehicles which do not comply with the limit values specified by the relevant Community Directive or, in the case of emission control and monitoring systems and devices, the date specified by the relevant Community Directive for the fitting of such equipment;
- (c) “limit values” means the permitted amounts of gaseous and particulate pollutants and smoke and evaporative emissions;
- (d) “small series” means the motor vehicles within a family of types as defined in Annex XII of the Framework Directive which are registered or enter into service in a period of twelve months beginning on 1st January in any year where the total number of motor vehicles does not exceed the small series limits specified in that Annex.

TABLE

(Regulation 61A)

<i>Item</i>	<i>Community Directive or ECE Regulation</i>	<i>Amending Community Directive or ECE Regulation</i>
1.	70/220/EEC	96/69/EC or ECE Regulation 83.04 98/69/EC 1999/102/EC
2.	88/77/EEC or ECE Regulation 49.01	91/542/EEC or ECE Regulation 49.02 1999/96/EC”

Amendments to Schedule 2

6.—(1) In Table I in Schedule 2, after item 74A there shall be inserted the following item—

“74B	96/69	08.10.96	L282,1.11 96, p.64	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, 88/436, 89/491, 91/441, 93/59, 94/12, and 96/44”		
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(2) In Table I in Schedule 2, after item 77 there shall be inserted the following items—

“78	98/69	13.10.98	L350, 28.12.98, 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, 88/436, 89/491, 91/441, 93/59, 94/12, 96/44 and 96/69		
79	1999/ 96	13.12.99	L44, 16.2.2000, p.1	Measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles	88/77 as amended by 91/542 and 96/1		
80	1999/ 102	15.12.99	L334, 28.12.99, p.43	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, 88/436, 89/491, 91/ 441, 93/59, 94/12, 96/44, 96/69 and 98/ 69”		

Amendments to Schedule 2A

7. In Part II of Schedule 2A, after paragraph 9, there shall be inserted the following—

“9A. Paragraphs (10A), (10AA) and (10BA) of regulation 61 shall not apply to a vehicle in respect of which either a passenger vehicle approval certificate or a goods vehicle approval certificate has been issued, if it complies with, or is exempt from, the approval requirements relating to exhaust or smoke emissions.

Modifications to regulation 61A (emissions)

9B.—(1) Regulation 61A shall not apply to a vehicle in respect of which either a passenger vehicle approval certificate or a goods vehicle approval certificate has been issued, if it complies with or is exempt from the approval requirements relating to exhaust or smoke emissions.

(2) Regulation 61A shall have effect with the following modifications in relation to a vehicle in respect of which there has been issued an approval certificate containing the letter “A” pursuant to regulation 12(2)(c) of the Approval Regulations.

(3) For the purposes of paragraphs (2) and (3) of regulation 61A, the date as is specified (as defined in regulation 61A) shall be regarded as being the 1st January immediately preceding the date of manufacture of the engine by which the vehicle is propelled; provided that the date as is specified shall not in any circumstances be regarded as being later than the date on which the motor vehicle would otherwise have been regarded as being first used.”

Amendments to Schedule 7XA

8.—(1) Schedule 7XA shall be amended as follows.

(2) In the titles in Part I, for the words “regulations 55A and 61” there shall be substituted the words “regulations 55A, 61 and 61A”.

(3) After paragraph 1(4), there shall be inserted the following paragraph—

“(4A) Paragraphs (2) to (4) of regulation 61A and an item numbered 1 or 2 in the Table in that regulation shall not apply to—

- (a) a type approval end of series vehicle;
- (b) a non-type approval end of series vehicle; or
- (c) a late entry into service vehicle;

if it is first used before the first anniversary of the date as is specified (as defined in regulation 61A) by the relevant Community Directive in item 1 or 2 in the Table in regulation 61A”.

(4) After the words “regulation 61” in paragraph 2(2), there shall be inserted “or an item numbered 1 or 2 in the Table in regulation 61A”.

(5) After the words “on the date specified in column 3 of the item” in paragraph 2(2), there shall be inserted “or, in relation to item 1 or 2 of the Table in regulation 61A, on the date as is specified (as defined in regulation 61A) by the relevant Community Directive”.

(6) At the end of paragraph 2(2) there shall be inserted “or in relation to item 1 or 2 of regulation 61A, the date as is specified by the relevant Community Directive”.

(7) After the words “on the date specified in column 3 in the item” in paragraph 7(2)(e)(ii) there shall be inserted “or in relation to item 1 or 2 of the Table in regulation 61A, on the date as is specified (as defined in regulation 61A) by the relevant Community Directive”.

(8) After the words “before the date specified in column 3 of that item” in paragraph 9(2)(c) there shall be inserted “or, in relation to item 1 or 2 of the Table in regulation 61A, before the date as is specified (as defined in regulation 61A) by the relevant Community Directive”.

(9) In paragraph 11, after sub-paragraph (b) there shall be inserted the following—

“; and

- (c) in relation to an item numbered 1 or 2 in the Table in regulation 61A is the two year period ending immediately before the date as is specified (as defined in regulation 61A) by the relevant Community Directive in the Table”.

(10) After the words “before the date specified in column 3 of the item” in paragraph 12(b), there shall be inserted “or, in relation to item 1 or 2 of the Table in regulation 61A, before the date as is specified (as defined in regulation 61A) by the relevant Community Directive”.

Signed by authority of Secretary of State

6th December 2000

Larry Whitty
Parliamentary Under-Secretary of State,
Department of Environment, Transport and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 3 replaces regulation 13A of the 1986 Regulations (which relates to the turning circle of articulated vehicles other than those incorporating a car transporter) with a new regulation which consolidates the amendments previously made to regulation 13A and modifies the categories of articulated vehicle which are exempted from that regulation.

Regulation 4 inserts a new paragraph (2A) into regulation 61, the effect of which is to provide that Tables I and II of Regulation 61 shall not apply to motor vehicles that are first used after the coming into force of this instrument. The regulation also adds a reference to ECE Regulations into column 4(a) of items 11 to 14 of Table II.

Regulation 5 introduces a new regulation 61A applying to certain motor vehicles first used after the coming into force of this instrument. The new regulation requires motor vehicles to comply with such design, construction and equipment requirements and limit values as apply to them by virtue of Community Directives or ECE Regulations specified in item 1 or 2 of the Table. The Table incorporates references to recent Directives 98/69/EC, 1999/96/EC and 1999/102/EC. Reference is also made to the small series exemption set out in the Framework Directive (regulation 5(5)).

Regulation 6 adds items to the list of Community Directives specified in Schedule 2.

Regulation 7 amends Schedule 2A, the effect of which is to provide that paragraphs (10A), (10AA) and (10BA) of regulation 61 and regulation 61A shall not apply to motor vehicles which have been issued with either a passenger vehicle approval certificate or a goods vehicle approval certificate (as defined in Schedule 2A).

Regulation 8 makes consequential amendments to Schedule 7XA.

Copies of the relevant Directives and ECE regulations can be obtained from the Stationery Office.

Regulatory Impact Assessments for Directives 98/69/EC and 1999/96/EC have been prepared and copies can be obtained from the Transport, Environment and Taxation Division, the Department of the Environment, Transport and the Regions, Zone 4/15, Great Minster House, 76 Marsham Street, London SW1P 4DR, telephone number 0207 944-2063. A copy has been placed in the library of both Houses of Parliament.

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