

2001 No. 3208

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
(No. 4) Regulations 2001**

Made - - - - - *20th September 2001*

Laid before Parliament *24th September 2001*

Coming into force

Regulations 1, 2, 8 and 10 *16th October 2001*

*Regulations 3, 4, 5, 6, 7, 9, 11
and 12* *1st May 2002*

The Secretary of State for Transport, Local Government and the Regions in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(a) 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.—(1) These Regulations may be cited at the Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2001.

(2) This regulation and regulations 2, 8 and 10 shall come into force on 16 October 2001 and regulations 3, 4, 5, 6, 7, 9, 11 and 12 shall come into force on 1st May 2002.

Preliminary

2. The Road Vehicles (Construction and Use) Regulations 1986(b) shall be further amended as follows.

Interpretation

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

(2) The following items shall be added in the appropriate alphabetical order to the Table following regulation 3(2)—

| <i>1</i> | <i>2</i> |
|-----------------------------------|---|
| <i>Expression</i> | <i>Meaning</i> |
| “anti-lock braking system (“ABS”) | a part of a service braking system which automatically controls the degree of slip, in the direction of rotation of the wheel or wheels, on one or more wheels of the vehicle during braking. |

(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. 1987/676, 1989/1865, 1990/1981, 1992/352, 1992/2016, 1995/551, 1996/2329, 1996/3033, 1998/2429, 2000/3197 and 2001/306.

| <i>1</i> | <i>2</i> |
|--------------------|---|
| <i>Expression</i> | <i>Meaning</i> |
| ISO | International Organisation for Standardisation. |
| ISO 7638 connector | an electrical connector that complies with standard ISO 7638: 1997-1 or ISO 7638: 1997-2 and is used to provide a dedicated power supply and a communication link between the tow vehicle and trailer.” |

(3) The definition of “Framework Directive” in the Table following regulation 3(2), for the words “and Commission Directive 93/81(a)” substitute “, Commission Directive 93/81/EEC and Commission Directive 98/14/EC(b)”.

Exemptions

4.—(1) In regulation 4 the following items shall be added to the Table after item 8—

| | | |
|----|--|---|
| “9 | A public works vehicle which has a maximum design weight of 7500kg and is specifically designed for use and used solely for the purpose of street cleansing. | Regulation 15(1E) and (5B) in respect of the requirements in Community Directive 98/12/EC(c) and ECE Regulation 13.09 which require the fitting of ABS to goods vehicles over 3500kg in weight. |
| 10 | A vehicle being used by a Police Authority which has been authorised by a Chief Constable to perform accident reconstruction duties. | Regulation 15(1E) and (5B) in respect of the requirements in Community Directive 98/12/EC and ECE Regulation 13.09 which prohibit the use of an isolation switch for the operation of ABS.” |

Amendment of regulation 15 (braking systems of certain vehicles first used on or after 1st April 1983)

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

(2) After paragraph (1D) there shall be inserted the following paragraph—

“(1E) Save as provided in paragraphs (2), (3), (3A), (5A) and (5B) 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 May 2002 or which, in the case of a trailer, is manufactured on or after 1st May 2002 shall comply with the construction, fitting and performance requirements of Annexes I, II and VII to Community Directive 98/12/EC and if relevant, Annexes III, IV, V, VI, VIII, X, XI, XII, XIII and XIV to that Directive in relation to the category of vehicles specified in that item in column 3.

(a) O.J. No. L264, 23.10.93, p.49.

(b) O.J. No. L91, 25.03.98, p.1.

(c) “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 11 of these Regulations.

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 May 2002 or which, in the case of a trailer, was manufactured before 1st April 2002 to comply with the said requirements instead of complying with paragraphs (1), (1A), (1C) or (1D) or with regulations 16 and 17.”

- (3) In paragraph (2), for “(1C) and (1D)” there shall be substituted “(1C), (1D) and (1E)”.
- (4) In paragraph (3), for “(1C) and (1D)” there shall be substituted “(1C), (1D) and (1E)”.
- (5) In paragraph (3)(a), for “88/194 and 91/422” there shall be substituted “88/194, 91/422 and 98/12”.
- (6) In paragraph (3)(a)(ii), for “88/194 or 91/422” there shall be substituted “88/194, 91/422 or 98/12”.
- (7) In paragraph (3)(b)(i), for “88/194 and 91/422” there shall be substituted “88/194, 91/422 and 98/12”.
- (8) In paragraph (3)(b)(iii), for “88/194 or 91/422” there shall be substituted “88/194, 91/422 and 98/12”.
- (9) In paragraph (3)(d)(i), for “13.05 or 13.06” there shall be substituted “13.05, 13.06, 13.07, 13.08 or 13.09”.
- (10) In paragraph (3A), for “(1C) and (1D)” there shall be substituted “(1C), (1D) and (1E)”.
- (11) In paragraph (3B), for “paragraph (1D)” there shall be substituted “paragraph (1D) or (1E)”.
- (12) In paragraph (3B)(a), after “Directive 91/422” there shall be inserted “or Community Directive 98/12”.
- (13) In paragraph (4), for “13.05 or 13.06” there shall be substituted “13.05, 13.06, 13.07, 13.08 or 13.09”.
- (14) In paragraph (5), for “13.05 or 13.06” there shall be substituted “13.05, 13.06, 13.07, 13.08 or 13.09”.
- (15) In paragraph (5A)(b), after “ECE Regulation 13.06” there shall be inserted “13.07, 13.08 or 13.09”.
- (16) After paragraph (5A), there shall be inserted the following paragraph—

“(5B) Instead of complying with paragraph (1E) of this regulation, a vehicle to which this regulation applies may comply with ECE Regulation 13.09.”
- (17) In paragraph (7), for “88/194 or 91/422” there shall be substituted “88/194, 91/422 or 98/12”.
- (18) After paragraph (7), there shall be inserted the following paragraphs—

“(8) For the purposes of the preceding provisions of this regulation the date on which a trailer was manufactured shall be taken to be the date on which its manufacture was completed except that, in the case of a trailer whose manufacture has been completed for more than 8 years and which has been the subject of a notifiable alteration under regulation 30 of the Goods Vehicles (Plating and Testing) Regulations 1988(a), it shall be taken to be the date on which the notifiable alteration was completed.

(9) A trailer, whose manufacture has been completed for more than eight years and which has been the subject of a notifiable alteration under regulation 30 of the Goods Vehicles (Plating and Testing) Regulations 1988, shall comply with all requirements of Community Directives relating to braking systems which applied to the trailer at the date when the notifiable alteration was completed.”

Amendment of regulation 16 (braking systems of vehicles to which regulation 15 does not apply)

6.—(1) Regulation 16 shall be amended as follows.

(a) S.I. 1988/1478 to which there are amendments not relevant to regulation 30.

(2) For paragraph (2) there shall be substituted the following paragraph—

“(2) Paragraph (4) of this regulation does not apply to a vehicle which complies with regulation 15 by virtue of the proviso to regulation 15(1), (1A), (1C), (1D) or (1E), or which complies with Community Directive 79/489, 85/647, 88/194, 91/422 or 98/12 or ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09.”

(3) In the table after paragraph (5A) the following entry shall be inserted after item 4—

| | | |
|----|--|-----|
| “5 | Vehicles with three wheels (excluding two-wheeled vehicles with a sidecar attached) and with— (a) an engine capacity exceeding 50cc, or (b) a maximum design speed exceeding 50km/h. | L5” |
|----|--|-----|

Amendment of regulation 17 (vacuum or pressure brakes warning devices)

7.—(1) Regulation 17 shall be amended as follows.

(2) For paragraph (2)(a) there shall be substituted the following paragraph—

“(a) a vehicle to which paragraph (1), (1A), (1C), (1D) or (1E) of regulation 15 applies, or which complies with the requirements of that regulation, of Community Directives 79/489, 85/647, 88/194, 91/422 or 98/12 or of ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09;”.

Amendment of regulation 17A (couplings on trailer pneumatic braking systems)

8.—(1) Regulation 17A shall be amended as follows.

(2) In paragraph (1), for the definition of “BS coupling” there shall be substituted—

“BS coupling” means a coupling which—

- (a) is of the type, shown in figure 1, 4 or 5 of the British Standard specification BS AU 138a: 1980 or figure 1, 2 or 3 of the British Standard specification BS AU 138b: 2000; and
- (b) complies with the dimensions shown in figure 1, 4 or 5 of the British Standard specification BS AU 138a: 1980 or figure 1, 2 or 3 of the British Standard specification BS AU 138b:2000;”.

(3) In paragraph (1), in the definition of “the British Standard specification” after “BS AU 138a: 1980” insert “or BS AU 138b: 2000”.

(4) For paragraph (3)(a) there shall be substituted—

“(a) is of the type shown in figure 2 of the British Standard specification BS AU 138a:1980 or figure 4 of the British Standard specification BS AU 138b:2000;”.

(5) For paragraph (4)(a) there shall be substituted—

“(a) is of the type shown in figure 3 of the British Standard specification BS AU 138a:1980 or figure 5 of the British Standard specification 138b:2000;”.

(6) For paragraph (5)(a) there shall be substituted—

“(a) is of the type shown in figure 6 of the British Standard specification BS AU 138a:1980 or figure 6 of the British Standard specification BS AU 138b:2000;”.

(7) For paragraph (7) there shall be substituted—

“(7) Paragraph (3) does not prevent a line being equipped with a relevant coupling which fulfils the requirements of—

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA State;
- (b) any international standard recognised for use as a standard by any EEA State; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides, in relation to couplings, a level of safety and compatibility with BS couplings of the type shown in figure 1 of the British Standard specification BS AU 138a:1980 or figure 1 of the British Standard specification BS AU 138b:2000 equivalent to that provided by those specifications as modified in accordance with paragraph (6).”

- (8) For paragraph (8) there shall be substituted—
- “(8) Paragraph (7) shall have effect—
- (a) in relation to paragraph (4), as if for the words “paragraph (3)” there were substituted the words “paragraph (4)” and for the words “figure 1” in the first and second places in which they occur there were substituted the words “figure 4” and “figure 2” respectively; and
- (b) in relation to paragraph (5), as if for the words “paragraph (3)” there were substituted the words “paragraph (5)” and for the words “figure 1” in the first and second places in which they occur there were substituted the words “figure 5” and “figure 3” respectively.”

Amendment of regulation 18 (maintenance and efficiency of brakes)

- 9.—(1) Regulation 18 shall be amended as follows.
- (2) After paragraph (1B) the following paragraph shall be inserted—
- “(1C) Where a goods vehicle of category N₂ or N₃ is being used to tow a trailer of category O₃ or O₄ and both vehicles are fitted with an ISO 7638 connector to provide a dedicated power supply to the ABS, then these connectors shall be used regardless of any alternative method available on the vehicles to provide such power.”
- (3) Table I shall be amended as follows—
- in item 1 for the words “Community Directives 79/489, 85/647, 88/194 or 91/422 or with ECE Regulation 13.03, 13.04, 13.05 or 13.06” there shall be substituted—
- “Community Directives 79/489, 85/647, 88/194, 91/422 or 98/12 or with ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”.
- (4) Paragraph (8) shall be amended as follows—
- for the words “Community Directives 79/489, 85/647, 88/194 or 91/422 or with ECE Regulation 13.03, 13.04, 13.05 or 13.06” there shall be substituted—
- “Community Directives 79/489, 85/647, 88/194, 91/422 or 98/12 or with ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”.

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

10. In paragraph (4), for the words “Subject to paragraphs (5) to (7) and Schedule 7XA, where” there shall be substituted “Where”.

Amendment of Schedule 2 (Community directives)

- 11.—(1) Schedule 2 shall be amended as follows.
- (2) In Table I, after item 77, there shall be inserted the following item—

| 1 | 2 | 3 | | | | 4 | |
|------|-------|---------|---------------------|--|--|---|--|
| “77A | 98/12 | 27.1.98 | L81,18.3.98, p.1 | The braking devices of certain vehicles and their trailers | 71/320 as amended by 74/132, 75/524, 79/489, 85/647, 88/184, 91/422 and 98/12” | | |

(2) In Table II, after item 4C, there shall be inserted the following items.

| 1 | 2 | 3 | | | | 4 | |
|-----|-------|----|---------|--------|---------|---|----|
| “4D | 13.08 | 13 | 29.5.69 | Brakes | 26.3.95 | — | — |
| 4E | 13.09 | 13 | 29.5.69 | Brakes | 28.8.96 | — | —” |

Amendment of Schedule 3 (braking requirements)

12.—(1) Schedule 3 shall be amended as follows.

(2) In item 4 in the Table, for the words “78/489, 85/647, 88/194 or 91/422 or ECE Regulation 13.03, 13.04, 13.05 or 13.06” there shall be substituted “79/489, 85/647, 88/194, 91/422 or 98/12 or ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”.

(3) In item 6 in the Table, for the words “79/489, 85/647, 88/194 or 91/422 or ECE Regulation 13.03, 13.04, 13.05 or 13.06” there shall be substituted “79/489, 85/647, 88/194, 91/422 or 98/12 or ECE Regulation 13.03, 13.04, 13.05, 13.06, 13.07, 13.08 or 13.09”.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

David Jamieson
Parliamentary Under-Secretary of State,
Department for Transport, Local Government and the
Regions

20th September 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) in relation to brakes. The Regulations make the following changes of substance in addition to minor drafting changes.

Regulation 3 inserts a number of new definitions in the table following regulation 3(2) and amends the existing definition of “Framework Directive” in that table.

Regulation 4 introduces two new exemptions from the requirements in regulation 15(1E) and (5B) concerning anti-lock braking systems (“ABS”). Purpose built vehicles with a maximum design weight of 7500 kg designed and used for street cleansing are exempted from the requirement to have ABS fitted. Vehicles used by a Police Authority which have been authorised by a Chief Constable to perform accident reconstruction duties are exempted from the prohibitions on the use of isolation switches for the operation of ABS.

Regulation 5 amends regulation 15 of the 1986 Regulations (braking systems of certain vehicles first used on or after 1st April 1983) by inserting references to Council Directive 98/12/EC, and the latest version of the United Nations ECE Regulations 13.07, 13.08 and 13.09. This has the effect of extending the categories of vehicles which are required to be fitted with ABS at the point of manufacture to include all passenger-carrying vehicles with more than 8 passenger seats in addition to the drivers, all goods vehicles over 3500 kg and all trailers over 3500kg. This extension will apply to all new vehicles of the relevant kinds first used on or after 1st April 2002. The Road Vehicles (Brake Linings Safety) Regulations 1999 (S.I. 1999/2978) gave effect to Commission Directive 98/12/EC of 27th January 1998. The 1998 Directive lays down standards for asbestos-free brake linings, adapting to technical progress Council Directive 71/320/EEC on the approximation of the laws of Member States relating to the braking devices of certain categories of light motor vehicles and their trailers.

Regulation 5 also introduces a new definition of “date of manufacture” in respect of trailers. The regulation also imposes a requirement for trailers over 8 years old, which are subject to a notifiable alteration or major rebuilding under regulation 30 of the Goods Vehicles (Plating and Testing) Regulations 1988 (S.I. 1988/1478) (as amended) to be brought up to the latest braking standard applicable at the time of the rebuilding.

Regulations 6 and 7 amend, respectively, regulation 16 (braking systems of vehicles to which regulation 15 does not apply) and regulation 17 (vacuum or pressure brakes warning devices) by inserting references to Council Directive 98/12/EC and the latest version of the United Nations ECE Regulations 13.07, 13.08 and 13.09.

Regulation 8 amends regulation 17A by introducing the new British Standard specification BS AU 138b:2000 as an acceptable alternative for couplings used on pneumatic braking systems. Provision has been made for compliance with a corresponding standard.

Regulation 9 introduces new requirements into regulation 18 of the 1986 Regulations

(maintenance and efficiency of brakes) which relates to the electrical connection between a tow vehicle and trailer in order to provide a dedicated power supply to the ABS. The regulation also inserts references to Council Directive 98/12/EC and the latest version of the United Nations ECE Regulations 13.07, 13.08 and 13.09.

Regulation 10 makes a minor correction to regulation 61A of the 1986 Regulations by deleting the reference to paragraphs (5) to (7) and Schedule 7XA at the beginning of that provision.

Regulation 11 makes amendments to the tables of Community Directives and United Nations ECE Regulations in Schedule 2 by inserting details of Commission Directive 98/12/EC of 27th January 1998 and ECE Regulations 13.08 and 13.09 in the relevant places.

Regulation 12 makes amendments to the table in Schedule 3 concerning braking requirements by inserting details of Commission Directive 98/12/EC of 27th January 1998 and United Nations ECE Regulations 13.07, 13.08 and 13.09 in the relevant places.

A Regulatory Impact Assessment has been prepared and copies can be obtained from the Department for Transport, Local Government and the Regions, Zone 2/04, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone: 020-7944 2078). Copies are being placed in the Libraries of each House of Parliament. Copies of British Standard specifications and ISO Standard specifications are available from the British Standards Institution, 389 Chiswick High Road, London W4 4AL.

Copies of the relevant EC Directives, ECE Regulations and other Regulations can be obtained from the Stationery Office. Details of the Directives and Regulations are set out below. Details of motor vehicles Directives are available on “http://europa.eu.int/eurllex/en/lif/reg/en_register_133010.html”.

The Regulations have been notified to the European Commission pursuant to Directive 98/34/EC of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (O.J. 1998 No. L 204, p.37).

EC DIRECTIVES

| <i>Principal Instruments</i> | <i>Relevant Amending Instruments</i> |
|---|---|
| Council Directive 70/156/EEC of 6th February 1970 (O.J. No. L42, 23.2.70, p.1). | Council Directive 87/403/EEC (O.J. No. L220, 8.8.87, p.44), Council Directive 92/53/EEC (O.J. No. L225, 10.8.92, p.1), Commission Directive 93/81 (O.J. No. L264, 23.10.93, p.49) and Commission Directive 98/14/EC (O.J. No. L91, 25.3.98, p.1). |
| Council Directive 71/320/EEC of 26th July 1971 (O.J. No. L202, 6.9.71, p.37). | Commission Directive 74/132/EEC of 11th February 1974 (O.J. No. L74, 19.3.74, p.7), Commission Directive 75/524/EEC of 25th July 1975 (O.J. No. L236, 8.9.75, p.3), Commission Directive 79/489/EEC of 18th April 1979 (O.J. No. L128, 26.5.79, p.12), Commission Directive 85/647/EEC of 23rd December 1985, (O.J. No. L380, 31.12.85, p.1), Commission Directive 88/194/EEC of 24th March 1988 (O.J. No. L92, 9.4.88, p.47), and Commission Directive 91/422/EEC of 15th July 1991 (O.J. No. L233, 22.8.91, p.21, to which there is a corrigendum in O.J. No. L275, 2.10.91, p.36). Commission Directive 98/12/EC of 27th January 1998 (O.J. No. L81, 18.3.98, p.1). |

ECE REGULATIONS

| <i>Principal Instruments</i> | <i>Relevant Amending Instruments</i> |
|--|---|
| <p>Regulation 13 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 (“the ECE Agreement”).</p> <p>Regulation 78 annexed to the ECE Agreement.</p> | <p>Revised on 11th July 1974. Amended on 4th January 1979. Amended on 11th August 1981. Amended on 26th November 1984. Amended on 1st April 1987. Amended on 5th October 1987. Amended on 29th July 1988. Amended on 22nd November 1990. Amended on 15th November 1992. Amended on 24th August 1993. Amended on 18th September 1994. Amended on 26th March 1995. Amended on 1st October 1996.</p> |

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