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STATUTORY INSTRUMENTS

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**2002 No. 1649**

**ENVIRONMENTAL PROTECTION**

**The Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amendment) Regulations 2002**

<i>Made</i>	- - - -	<i>24th June 2002</i>
<i>Laid before Parliament</i>		<i>26th June 2002</i>
<i>Coming into force</i>	- -	<i>17th July 2002</i>

The Secretary of State for Transport, being a Minister designated<sup>(1)</sup> for the purposes of subsection 2 of section 2 of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to the reduction of emissions of pollutants from internal combustion engines, in exercise of the powers conferred upon him by that subsection hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amendment) Regulations 2002 and shall come into force on 17th July 2002.

**Amendments to Regulation 2 (Interpretation)**

2.—(1) In regulation 2(1)(a) of the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999<sup>(3)</sup>, the words “as amended by Commission Directive 2001/63/EC<sup>(4)</sup>” shall be inserted after the word “machinery”;

(2) In regulation 2(1)(c), the words “, or is to be,” shall be inserted before the word “installed”;

(3) In regulation 2(3), for the words after “Regulations” there shall be substituted the words: “a reference to an Annex is a reference to the relevant Annex to Directive 97/68/EC (an Arabic numeral in these Regulations being treated as the equivalent Roman numeral in that Directive)”.

**Revocation and consequential amendments**

3.—(1) Schedules 1,2,3,4,5,6 and 7 shall be revoked;

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(1) S.I. 1998/745.  
(2) 1972 c. 68.  
(3) S.I. 1999/1053.  
(4) OJ L. No. 227, 23.8.2001, p. 41.

(2) The words “Annex” and “Annexes” are substituted for the words “Schedule” and “Schedules” respectively wherever they appear in—

- (a) Regulation 2(1)(e),(f),(g) and (m) and (2);
- (b) Regulation 6(1) and (2);
- (c) Regulation 8(2),(3) and (4);
- (d) Regulation 9(1)(a) and (c), and (5);
- (e) Regulation 11 (1) and (9);
- (f) Regulation 13(1)(a);

Signed by authority of the Secretary of State for Transport

24th June 2002

*David Jamieson*  
Parliamentary Under Secretary of State  
Department for Transport

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Commission Directive [2001/63/EC](#) which amends Annexes III and IV of European Parliament and Council Directive [97/68/EC](#). The latter Directive makes provision to reduce emissions from internal combustion engines for use in machinery not intended to be used on the road, such as forestry equipment and fork-lift trucks. It specifies production assessments and tests relating to such internal combustion engines. The Economic Commission for Europe (ECE) Regulation 96 has a similar scope, but small adjustments in the technical requirement were required in order to align the Directive with the Regulation.

*Regulation 2* therefore amends the definition of Directive [97/68/EC](#) set out in Regulation 2(1)(a) of S.I. [1999/1053](#) so as to include the amending Directive ([2001/63/EC](#)).

*Regulation 2(2)* makes a minor amendment to the definition of “non-road mobile machinery” specified in Regulation 2(1)(c) of S.I. [1999/1053](#).

The Schedules to S.I. [1999/1053](#) set out verbatim each Annex to Directive [97/68/EC](#). *Regulation 2(3)* substitutes references to the Annexes of the Directive for references to the Schedules of the Regulations.

*Regulation 3* revokes the Schedules to S.I. [1999/1053](#) and, together with the effect of *Regulation 2(3)*, replaces all references to any Schedule in those Regulations with references to the relevant Annex of the Directive. As the Directive continues to be amended from time to time, so the material in the relevant Annex will take effect under amending Regulations.

This Explanatory Note incorporates the Transposition Note that would otherwise have been provided separately.

Copies of the Directive and ECE Regulations relevant to these Regulations can be obtained from the Stationery Office.