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STATUTORY INSTRUMENTS

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**2004 No. 2102**

**ROAD TRAFFIC**

**The Road Vehicles (Construction and Use)  
(Amendment) (No.2) Regulations 2004**

<i>Made</i>	- - - -	<i>5th August 2004</i>
<i>Laid before Parliament</i>		<i>19th August 2004</i>
<i>Coming into force</i>	- -	<i>1st January 2005</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 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. 2) Regulations 2004 and shall come into force on 1st January 2005.

**Preliminary**

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

**Amendment of regulation 36A (speed limiters)**

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

(2) After paragraph (2), there shall be added the following paragraphs—

“(2A) Subject to paragraph (13), this regulation also applies to every bus, not being a bus to which paragraph (2) applies, which—

- (a) is first used on or after 1st January 2005;
- (b) has a maximum gross weight exceeding 5 tonnes but not exceeding 10 tonnes; and
- (c) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h;

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(1) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.  
(2) S.I.1986/1078; relevant amending instruments are S.I. 1988/271, 1991/1527, 1992/422, 1993/3048, 1994/329, 1995/1458, 1996/2064, 1997/1340 and 2003/1946.

and a reference in this regulation to a paragraph (2A) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(2B) Subject to paragraphs (2E) and (13), this regulation also applies to every bus which—

- (a) is first used on or after 1st January 2005;
- (b) has a maximum gross weight not exceeding 5 tonnes; and
- (c) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h;

and a reference in this regulation to a paragraph (2B) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(2C) Subject to paragraphs (2D) and (13), this regulation also applies to every bus, not being a bus to which paragraph (2) applies, which—

- (a) was first used on or after 1st October 2001 and before 1st January 2005;
- (b) complies with the limit values set out in Council Directive [88/77/EEC](#)(3);
- (c) has a maximum gross weight not exceeding 10 tonnes; and
- (d) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 100 km/h;

and a reference in this regulation to a paragraph (2C) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(2D) This regulation shall apply—

- (a) on or after 1st January 2006 in the case of a paragraph (2C) vehicle used for both national and international transport operations; and
- (b) on or after 1st January 2007 in the case of a paragraph (2C) vehicle used solely for national transport operations.

(2E) This regulation shall apply on or after 1st January 2008 in the case of a paragraph (2B) vehicle used solely for national transport operations.”.

(3) For paragraph (7) there shall be substituted the following paragraph—

“(7) Subject to paragraph (7A), the requirements of this paragraph are that a speed limiter fitted to a paragraph (2) vehicle, a paragraph (2A) vehicle, a paragraph (2B) vehicle or a paragraph (2C) vehicle, must be set so that the speed of the vehicle cannot exceed 100 km/h.”.

(4) After paragraph 7, there shall be added the following paragraph—

“(7A) A speed limiter fitted to a paragraph (2) vehicle which is first used before 1st January 2005 and has a maximum gross weight exceeding 10 tonnes, may be set at a maximum speed of 100 km/h.”.

(5) In paragraph (8)(b), after the words “Community Directive 92/24” there shall be added “as amended by Directive [2004/11/EC](#) of the European Parliament and of the Council(4)”.

(6) In paragraph (9)—

- (a) after the words “a paragraph (2) vehicle” there shall be added “, a paragraph (2A) vehicle, a paragraph (2B) vehicle and a paragraph (2C) vehicle”; and
- (b) after the words “Community Directive 92/24” there shall be added “as amended by Directive [2004/11/EC](#) of the European Parliament and of the Council”.

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(3) OJ No. L36, 9.2.1988, p.33.

(4) OJ No. L44, 14.2.2004, p.19

(7) In paragraph (14), in the appropriate alphabetical position the following definitions shall be added—

““international transport operations” means transport operations outside the United Kingdom;”;

““national transport operations” means transport operations within the United Kingdom;”;

““transport operations” means the transportation of passengers in vehicles designed for such a purpose and to which this regulation applies.”.

### **Amendment of regulation 36B**

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

(2) In paragraph (1)(c), after the words “1st August 1992” there shall be added “and before 1st January 2005”.

(3) After paragraph (1), there shall be added the following paragraphs—

“(1A) Subject to paragraphs (1D) and (14), this regulation also applies to every motor vehicle which—

- (a) is a goods vehicle;
- (b) has a maximum gross weight exceeding 3,500 kg but not exceeding 12,000 kg;
- (c) is first used on or after 1st January 2005; and
- (d) has, or if a speed limiter were not fitted to it would have, a relevant speed exceeding 90 km/h;

and a reference in this regulation to a paragraph (1A) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(1B) Subject to paragraphs (1C) and (14), this regulation also applies to every motor vehicle, not being a motor vehicle to which paragraph (1) applies, which—

- (a) was first used on or after 1st October 2001 and before 1st January 2005;
- (b) complies with the limit values set out in Council Directive [88/77/EEC](#);
- (c) has a maximum gross weight exceeding 3,500 kg but not exceeding 12,000 kg; and
- (d) has, or if a speed limiter were not fitted to it would have, a relevant speed exceeding 90 km/h;

and a reference in this regulation to a paragraph (1B) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(1C) This regulation shall apply—

- (a) on or after 1st January 2006 in the case of a paragraph (1B) vehicle used for both national and international transport operations; and
- (b) on or after 1st January 2007 in the case of a paragraph (1B) vehicle used solely for national transport operations.

(1D) This regulation shall apply on or after 1st January 2008 in the case of a paragraph (1A) vehicle with a maximum gross weight not exceeding 7,500 kg and used solely for national transport operations.”.

(4) In paragraph (2)(d), for the words “56 mph” there shall be substituted “90 km/h”.

(5) In paragraph (9)—

- (a) the words “Subject to paragraph (11A),” shall be omitted;

- (b) after the words “fitted to” there shall be added “a paragraph (1A) vehicle, a paragraph (1B) vehicle or”; and
- (c) for the words “at a speed not exceeding 85 km/h and” there shall be substituted “so that”.
- (6) In paragraph (10)(b), after the words “Community Directive 92/24” there shall be added “as amended by Directive [2004/11/EC](#) of the European Parliament and of the Council”.
- (7) In paragraph (11)—
  - (a) after the words “fitted to” there shall be added “a paragraph (1A) vehicle, a paragraph (1B) vehicle and”; and
  - (b) after the words “Community Directive 92/24” there shall be added “as amended by Directive [2004/11/EC](#) of the European Parliament and of the Council”.
- (8) Paragraph (11A) shall be omitted.
- (9) Paragraph (12A) shall be omitted.
- (10) In paragraph (15), in the definition of “set”—
  - (a) the words “subject to paragraph (11A),” shall be omitted; and
  - (b) after the words “fitted to” there shall be inserted “a paragraph (1A) vehicle, a paragraph (1B) vehicle and”.
- (11) In paragraph (15), in the appropriate alphabetical position the following definitions shall be added—
  - ““international transport operations” means transport operations outside the United Kingdom;”;
  - ““national transport operations” means transport operations within the United Kingdom;”;
  - and
  - ““transport operations” means the transportation of goods in vehicles designed for such a purpose and to which this regulation applies.”.

**Amendment of regulation 70A (speed limiters—plates)**

- 5. In paragraph (3) the words “Subject to regulation 36B(11A),” shall be omitted.

Signed by authority of the Secretary of State

5th August 2004

*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 further amend the Road Vehicles (Construction and Use) Regulations 1986 (the “1986 Regulations”) in respect of the requirements for speed limiters on motor vehicles. (Regulation 36A(14) of the 1986 Regulations defines “speed limiter” as “a device designed to limit the maximum speed of a motor vehicle by controlling the power output from the engine of the vehicle”.)

The Regulations implement Directive [2002/85/EC](#) of the European Parliament and of the Council (OJ No. L57, 4.12.2002, p.327), which amends Council Directive [92/6/EC](#) on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ No. L57, 2.3.1992, p.27).

*Regulation 3* inserts new paragraphs into, and amends paragraphs of, regulation 36A of the 1986 Regulations. New paragraphs (2A) and (2B) extend the requirement to fit speed limiters to all passenger carrying vehicles with eight or more passenger seats, irrespective of weight, when first used on or after 1st January 2005. New paragraph (2E) has the effect of deferring this requirement until 1st January 2008 for passenger carrying vehicles, with a maximum gross weight not exceeding 5 tonnes, when used solely for national transport operations. New paragraph (2C) has the effect of requiring speed limiters to be fitted to passenger carrying diesel engined vehicles with a maximum gross weight not exceeding 10 tonnes, which are first used between 1st January 2001 and 1st January 2005. New paragraph (2D) has the effect of deferring the requirement to fit speed limiters to such vehicles until 1st January 2006 when used for national and international transport operations, or 1st January 2007 when used solely for national transport operations. New paragraph (7A) has the effect of allowing the continued use of speed limiters, fitted to passenger carrying vehicles, with a maximum gross weight exceeding 10 tonnes and first used before 1st January 2005, which have been set at a maximum speed of 100 kilometres per hour.

Regulation 36A(8)(b) and (9) requires speed limiters fitted to vehicles to comply with the provisions in the annexes to Directive [92/24/EEC](#). The scope of these provisions has been amended by Directive [2004/11/EC](#) so that the construction requirements extend to speed limiters fitted to vehicles which are the subject of these Regulations.

*Regulation 4* inserts new paragraphs into, and amends paragraphs of, regulation 36B. New paragraph (1A) extends the requirement to fit speed limiters to all goods carrying vehicles with a maximum gross weight exceeding 3,500 kg when first used on or after 1st January 2005. New paragraph (1D) has the effect of deferring this requirement until 1st January 2008 for goods carrying vehicles, with a maximum gross weight not exceeding 7,500 kg, when used solely for national transport operations. New paragraph (1B) has the effect of requiring speed limiters to be fitted to goods carrying diesel engined vehicles with a maximum gross weight exceeding 3,500 kg but not exceeding 12,000 kg, which are first used between 1st January 2001 and 1st January 2005. New paragraph (1C) has the effect of deferring this requirement to such vehicles until 1st January 2006 when used for national and international transport operations, or 1st January 2007 when used solely for national transport operations.

Regulation 36B(10)(b) and (11) requires speed limiters fitted to vehicles to comply with the provisions in the annexes to Directive [92/24/EEC](#). The scope of these provisions has been amended by Directive [2004/11/EC](#) so that the construction requirements extend to speed limiters fitted to vehicles which are the subject of these Regulations.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Licensing, Roadworthiness and Insurance Division, Department for

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Transport, 5th floor, Southside, 105 Victoria Street, London SW1E 6DT (telephone 020 7944 6575).  
A copy has been placed in the library of each House of Parliament.

A transposition note is available and can be obtained from the Department for Transport, as above.

Copies of the relevant EC Directives can be obtained from the Stationery Office.