
STATUTORY INSTRUMENTS

2004 No. 2102

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

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;

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](#)(1);
- (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

(1) OJNo. L36, 9.2.1988, p.33.

(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 2(C) 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(2)”.

(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”.

(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.”.