

2012 No. 443

ROAD TRAFFIC

**The Road Vehicles (Registration and Licensing) (Amendment)
(No. 2) Regulations 2012**

<i>Made</i>	- - - -	<i>20th February 2012</i>
<i>Laid before Parliament</i>		<i>23rd February 2012</i>
<i>Coming into force</i>	- -	<i>23rd March 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 57(1), (2) and (3) and 61B of the Vehicle Excise and Registration Act 1994(a).

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 2012 and come into force on 23rd March 2012.

Preliminary

2. Schedule 2 (reduced pollution certificates and the reduced pollution requirements) to the Road Vehicles (Registration and Licensing) Regulations 2002(b) is amended in accordance with the following regulations.

Amendments to paragraph 1 (interpretation of schedule)

3. In paragraph 1, insert each of the following definitions at the appropriate place—

““Regulation (EC) 595/2009” means Regulation (EC) No 595/2009(c) of the European Parliament and of the Council of 18th June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC.”

““Regulation (EU) 582/2011” means Commission Regulation (EU) No 582/2011(d) of 25th May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty

(a) 1994 c. 22. Section 61B was inserted by the Finance Act 1998 (c. 36), section 16, Schedule 1, paragraph 2 and was subsequently amended by the Finance Act 2006 (c. 25), section 14 and the Finance Act 2008 (c. 9), section 148.
(b) S.I. 2002/2742; relevant amending instruments are S.I. 2006/2320, 2007/2553, 2008/1444, 2009/880, 3103, 2010/451 and 2012/304.
(c) OJ No. L188, 18.7.2009, p.1.
(d) OJ No. L167, 25.6.2011, p.1.

vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council.”

Substitution of new paragraph 3A (the reduced pollution requirements)

4. For paragraph 3A substitute—

“**3A.**—(1) An eligible vehicle satisfies the reduced pollution requirements for the purposes of the 1994 Act at any time—

- (a) if paragraph 4 or 4A applies to it; or
- (b) on or before 31st December 2016 if paragraph 4C applies to it; or
- (c) on or after 1st January 2017 if—
 - (i) paragraph 4C applies to it; and
 - (ii) a vehicle licence taken out for that vehicle on or before 1st December 2016 is still in force.”

Insertion of new paragraphs 4C and 4D

5. After paragraph 4B insert—

“**4C.** This paragraph applies to an eligible vehicle which—

- (a) is registered on or before 31st December 2013; and
- (b) complies with the requirements of paragraph 4D as a result of—
 - (i) its design, construction or equipment as manufactured; or
 - (ii) an adaptation made to the vehicle after 1st January 2012.

4D. The requirements of this paragraph, in relation to an eligible vehicle, are that—

- (a) the vehicle complies with the emission limit values in Annex I to Regulation (EC) 595/2009; and
- (b) the vehicle meets the requirements of Annex XIII to Regulation (EU) 582/2011 (requirements to ensure the correct operation of measures to control emissions of oxides of nitrogen); and
- (c) an engine is fitted to the vehicle which—
 - (i) meets the requirements of Annex V to Regulation (EU) 582/2011 (requirements relating to emissions of crankcase gases); and
 - (ii) when combined with the vehicle’s associated systems, meets the requirements specified in—
 - (aa) Annex VI to Regulation (EU) 582/2011 (requirements to limit off-cycle emissions and in-use emissions); and
 - (bb) Annex VII to Regulation (EU) 582/2011 (requirements relating to the durability of engine systems); and
 - (iii) has an on-board diagnostic system meeting the requirements specified in Annex X to Regulation (EU) 582/2011; and
- (d) any replacement pollution control device which is fitted to it is type approved in accordance with the requirements of Annex XI to Regulation (EU) 582/2011.”

Amendments to paragraph 5 (determination of applications and issue of certificates or notification of refusal)

6.—(1) In paragraph 5(3), for “A”, substitute “Subject to sub-paragraph (3A), a”.

(2) After paragraph 5(3) insert—

“(3A) A reduced pollution certificate for an eligible vehicle to which paragraph 4C applies—

- (a) shall not be granted for a period which expires after 30th November 2017; and
- (b) if issued on or after 1st January 2016, shall be granted for a period which expires at the end of 30th November 2017.”

Amendment to paragraph 7 (reduced pollution certificate to be conclusive)

7.—(1) In paragraph 7(1), for “If”, substitute “Subject to sub-paragraph (1A), if”.

(2) After paragraph 7(1) insert—

“(1A) If the reduced pollution certificate was issued because the vehicle met the reduced pollution requirements by virtue of paragraph 4C applying to it, on or after 1st January 2017 that certificate shall be conclusive evidence that the vehicle satisfies the reduced pollution requirements only if it meets the condition in paragraph 3A(1)(c)(ii).”

Signed by authority of the Secretary of State for Transport

20th February 2012

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 2 to the Road Vehicles (Registration and Licensing) Regulations 2002 (“the 2002 Regulations”) (SI 2002/2742) which contains provisions regarding reduced pollution certificates and the reduced pollution requirements.

Regulation 5 of the 2002 Regulations provides that the Secretary of State may require a reduced pollution certificate to be furnished before determining the rate of vehicle excise duty payable in respect of the licence for an eligible vehicle. Eligible vehicles are those vehicles referred to in section 61B of the Vehicle Excise and Registration Act 1994 and Schedule 2 to the 2002 Regulations provides for the issue of a reduced pollution certificate to eligible vehicles which satisfy the reduced pollution requirements. The rate of vehicle excise duty in respect of licences for eligible vehicles which satisfy the reduced pollution requirements is lower than that for eligible vehicles which do not satisfy those requirements.

These Regulations allow for the issue of a reduced pollution certificate for a limited period of time to eligible vehicles which comply with the specific requirements set out in regulation 5. The requirements in regulation 5 refer to vehicle emissions standards in Regulation (EC) 595/2009 and Regulation (EU) 582/2011.

Regulations 4, 6 and 7 set out the applicable time limits and conditions relating to the new reduced pollution requirements, the granting of certificates and whether the certificate provides conclusive evidence that the vehicle meets the reduced pollution requirements.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Environment and International Transport Economics Division of the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk. A copy of the impact assessment has been placed in the library of each House of Parliament.

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