

2017 No. 850

ROAD TRAFFIC

The Motor Vehicles (Tests) (Amendment) Regulations 2017

<i>Made</i> - - - -	<i>11th September 2017</i>
<i>Laid before Parliament</i>	<i>14th September 2017</i>
<i>Coming into force</i> - -	<i>20th May 2018</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 45(1), (2) and (7), 46(7)(a), and 47(5) to (7) of the Road Traffic Act 1988(a).

In accordance with section 195(2) of that Act the Secretary of State has consulted with such representative organisations as the Secretary of State thinks fit.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Tests) (Amendment) Regulations 2017 and come into force on 20th May 2018.

Amendment of the Motor Vehicles (Tests) Regulations 1981

2. The Motor Vehicles (Tests) Regulations 1981(b) are amended as follows.

3. In regulation 3(1), before the definition of “authorisation” insert—

““American pickup” means a motor vehicle with a manufacturer’s declaration (on a plate on the vehicle) that it meets the motor vehicle safety standards applicable under the law in the United States of America or Canada(c) and—

- (a) is capable of carrying a driver and at least one passenger;
- (b) is capable of carrying goods in an open load bed separate from the driver/passenger compartment, with or without a removable cover; and
- (c) has a gross design weight over 3,000kg but does not exceed 6,500kg;”.

(a) 1988 c.52. Section 45(1) was substituted by paragraph 52(2) of Schedule 4 to the Road Traffic Act 1991 (c. 40). Section 46 was substituted by section 2 of the Road Traffic (Vehicle Testing) Act 1999 (c. 12) and amended by paragraph 26(2) to (5) of Schedule 10 to the Deregulation Act 2015 (c. 20). See the definition of “prescribed” in section 85.

(b) S.I. 1981/1694, relevant amendments were made by paragraph 190 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), and by S.I. 1982/814, 1983/1434, 1984/1126, 1985/45, 1988/1894, 1991/253 and 2229, 1992/1217 and 3160, 1995/1457, 1998/1672, 2002/488, 2003/1113 and 1698, 2006/594, 2007/506, 2009/643, 2010/1172 2011/3058, 2012/2652 and 2013/271.

(c) The current applicable standards are: the Federal Motor Vehicle Safety Standards (“FMVSS”) contained in the United States Code of Federal Regulations; and the Canadian Motor Vehicle Safety Standards (“CMVSS”) contained in the Canadian Motor Vehicle Safety Regulations. The FMVSS can be accessed here: <https://one.nhtsa.gov/cars/rules/import/FMVSS/index.html>; the CMVSS can be accessed here: <https://www.tc.gc.ca/eng/acts-regulations/regulations-crc-c1038.htm>.

4. In regulation 5—

(a) for paragraph (1) substitute—

“(1) For the purposes of these Regulations motor vehicles to which they apply are classified as follows—

- (a) Class I: Light motor bicycles in EU categories L1e, L3e and L4e;
- (b) Class II: Motor bicycles in EU categories L3e and L4e;
- (c) Class III: Light motor vehicles in EU categories L2e and L5e;
- (d) Class IV:
 - (i) Motor vehicles in EU categories L5e, L6e, L7e, M1, M2, M3 and N1 not being vehicles within Classes III, IVA, V, VA, VI, VIA or VII; and
 - (ii) American pickups;
- (e) Class IVA: Minibuses, other than vehicles to which paragraph (4) applies, in EU categories M2 and M3 not being vehicles within Classes III, V, VA, VI or VIA, in respect of which any forward-facing seat is fitted with a relevant seat belt;
- (f) Class V: Motor vehicles in EU categories M2 and M3 not being vehicles within Class VA which are—
 - (i) large passenger-carrying vehicles;
 - (ii) public service vehicles—
 - (aa) of a type specified in paragraph (3), and
 - (bb) constructed or adapted to carry more than 12 seated passengers, and
 - (iii) play buses;
- (g) Class VA: Motor vehicles, other than vehicles to which paragraph (4) applies, in EU categories M2 and M3 which are—
 - (i) large passenger-carrying vehicles;
 - (ii) public service vehicles—
 - (aa) of a type specified in paragraph (3), and
 - (bb) constructed or adapted to carry more than 12 seated passengers, and
 - (iii) play buses,in respect of which any forward-facing seat is fitted with a relevant seat belt;
- (h) Class VI: Public service vehicles, other than those of a type specified in paragraph (3), in EU categories M2 and M3 not being vehicles within Class VIA;
- (i) Class VIA: Public service vehicles, not being vehicles to which paragraph (4) applies, in EU categories M2 and M3 other than those of a type specified in paragraph (3), in respect of which any forward facing seat is fitted with a relevant seat belt;
- (j) Class VII: Goods vehicles in EU category N1 of which the design gross weight is more than 3,000 kilograms but does not exceed 3,500 kilograms;

and (except as otherwise provided in these Regulations) any reference in these Regulations to a class of vehicles is to be construed accordingly.”,

(b) After paragraph (5) insert—

“(6) In this regulation references to vehicles in EU categories—

- (a) L1e to L7e are to those categories as described in Annex 1 to Regulation (EU) 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two or three-wheel vehicles and quadricycles(a);

(a) OJ No L 60, 2.3.2013, p52.

- (b) M1 to M3, and N1, are to those categories as described in Annex 2 to Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(a).”.

5. In regulation 6(1)—

- (a) in sub-paragraph (xxi), for paragraph (b) substitute—

“(b) a vehicle which has an inside track width of less than 810 millimetres;”

- (b) omit sub-paragraphs (xxii) and (xxiii),

- (c) for sub-paragraph (xxvi), substitute—

“(xxvi) a public service vehicle having a date of manufacture before 1st January 1960 and which has not undergone substantial changes in the technical characteristics of its main components;”

- (d) at the end insert—

“(xxvii) a vehicle which is incapable, by reason of its construction, of exceeding a speed of 15.5 miles per hour on the level under its own power;

(xxviii) a vehicle of historical interest other than a public service vehicle.”.

6. In regulation 6(3)(b) for “Islands of” substitute “islands of Bute, “.

7. In regulation 6(5) at the end insert—

““vehicle of historical interest” means a vehicle which is considered to be of historical interest to Great Britain and which—

- (a) was manufactured or registered for the first time at least 40 years previously,
- (b) is of a type no longer in production, and
- (c) has been historically preserved or maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components,

where “type” in relation to a vehicle has the meaning given in paragraph 1 of Schedule 3 of the Road Vehicles (Approval) Regulations 2009(b).”.

8. In regulation 31(2) for “2009/40/EC” substitute “2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers”(c).

9. In paragraph 1 of Schedule 2—

- (a) in the table in sub-paragraph (a), in the entry for number 6, in the second column at the beginning insert “22 and”,
- (b) in the table in sub-paragraph (c), in the entry for number 13A, in the second column for “9” substitute “10”.

10. In paragraph 2 of Schedule 2—

- (a) in the table in sub-paragraph (b)—

(a) OJ No L 263, 9.10.2007, p1. The Directive has been amended by Commission Regulation (EC) No. 1060/2008 of 7 October 2008 (OJ No. L292 1, 31.10.2008), Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 1, 4.2.2009), Regulation (EC) No. 79/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 32, 4.2.2009), Commission Regulation (EC) No. 385/2009 of 7 May 2009 (OJ No. L 118 13, 13.5.2009), Regulation (EC) No. 661/2009 of the European Parliament and of the Council of 13 July 2009 (OJ No. L200 1, 31.7.2009), Commission Directive 2010/19/EU of 9 March 2010 (OJ L72 17, 20.3.2010) and Commission Regulation (EU) No. 371/2010 of 16 April 2010 (OJ L110 1, 1.5.2010) and by Commission Regulation (EU) No. 678/2011 of 14 July 2011 (OJ L185 30, 15.7.2011) which replaced Annex 2.

(b) S.I. 2009/717, to which there are amendments not relevant to these Regulations.

(c) OJ L127 29.4.14, p51.

- (i) in the entry for item 14, in the second column for “15, 16 and 18” substitute “15 to 17, and 18”,
- (ii) in the entry for item 15, in the second column after “30” insert “to 32”,
- (iii) in the entry for item 22, in the second column after “the body” add “, body fittings, interior fittings”, and in the third column before “Structure and Suspension” add “Body, Body Fittings,”,
- (b) in the table in sub-paragraph (c), in the entry for item 25—
 - (i) in the second column for “18 and 23” substitute “18, 20 and 23”,
 - (ii) in the third column for “Rear Fog Lamp” substitute “Front and Rear Fog Lamps”,
- (c) in the table in sub-paragraph (c), after item 26 insert—

“26A	18 and 23	Reversing Lamp
26B	18 and 23	Daytime Running Lamp,”

- (d) in the table in sub-paragraph (d), in the entry for item 27, for “4, 5, 6, 7 and 9 to 15” substitute “4 to 7 and 10 to 15”.

11. In paragraph 3 of Schedule 2—

- (a) in sub-paragraph (a), for “2, 3, 4 and 7 to 27” substitute “2 to 4, 7 to 13 and 14 to 27”,
- (b) in the table in sub-paragraph (b)—
 - (i) after item 27A insert—

“27B	35 and 36	Speedometer”
------	-----------	--------------

- (ii) in item 28 after “61” insert “and 61A”, and after “Emissions” insert “and Emission Control Devices”,
- (iii) in item 28XB omit “, including its ventilation and any connected switches or fuses,”,
- (iv) after item 28XE insert—

“28XF	100(1) (insofar as it relates to the condition of seats, doors and other openings, body fittings and interior fittings to the extent that such condition may cause danger)	Cab (including steps and step rings), seats, doors, other openings and driving controls
28XG	100(1) (insofar as it relates to spare wheel and carrier, transmission, engine mountings and steering lock)	Spare wheel and carrier, transmission, engine mountings and steering lock
28XH	100(1) (insofar as it relates to tyre pressure monitoring systems)	Tyre pressure monitoring systems

- (c) The requirements contained in the following provisions of the Lighting Regulations—

<i>Item No.</i>	<i>Regulations</i>	<i>Affecting</i>
28XJ	18 and 23	End outline marker lamp”.

- 12. In paragraph 3A of Schedule 2, in sub-paragraph (a), for “2, 3, 4 and 7 to 28XE” substitute “2 to 4, 7 to 13, 14 to 28XJ”.**

13. In paragraph 4 of Schedule 2—

- (a) in sub-paragraph (a) for “2, 3, 4, 7 to 13, 16 to 20, 21, 22, and 24 to 28XE” substitute “2 to 4, 7 to 13, 16 to 22, 24 to 28XG, and 28XJ”,
- (b) in the table in sub-paragraph (b) omit entry 31.

- 14. In paragraph 4A of Schedule 2, for “2, 3, 4, 7 to 13, 16 to 20, 21, 22 and 24 to 33” substitute “2 to 4, 7 to 13, 16 to 22, 24 to 28XG, 28XJ, and 29 to 33”.**

15. In paragraph 5 of Schedule 2—

- (a) in sub-paragraph (a) for “2, 3, 4, 7 to 13, 16 to 20, 22, 24, 25, 26, 27, 28 and 29 to 33” substitute “2 to 4, 7 to 13, 16 to 20, 22, 24 to 27B, 28 to 28XG, and 28XJ to 33”,
- (b) omit sub-paragraph (e).

16. In paragraph 5A of Schedule 2, in sub-paragraph (a) for “2, 3, 4” substitute “2 to 4” and for “20, 22, 24 to 26, 27, 28 to 38” substitute “20 to 22, 24 to 28XG, 28XJ to 38”.

17. In paragraph 6 of Schedule 2, for “2, 3, 4, 7 to 13, 15 to 28, 29 and 29A” substitute “2 to 4, 7 to 13, 15 to 28XG, and 28XJ to 29A”.

Signed by authority of the Secretary of State

11th September 2017

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Motor Vehicles (Tests) Regulations 1981 (“the 1981 Regulations”) make provision about the testing of motor vehicles other than good vehicles.

These Regulations amend the 1981 Regulations to give effect to the requirements of Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and come into force on 20th May 2018.

The Regulations amend the 1981 Regulations to bring American pickups and Class VII vans used on the Isle of Bute within scope of the testing regime, and to exclude vehicles with a design speed of no more than 15.5 miles per hour, and vehicles of historical interest from that regime. They amend Schedule 2 of the 1981 Regulations which specifies the requirements to be complied with in relation to a vehicle on testing.

An impact assessment of the effect of exempting vehicles of historical interest from periodic testing on the costs of business, the voluntary sector and the public sector is available from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR. A copy may be obtained from the Department for Transport website (www.gov.uk/government/organisations/department-for-transport). An Explanatory Memorandum and a Transposition Note are published alongside the instrument on www.legislation.gov.uk. The Directive referred to above is published at <http://eur-lex.europa.eu>.

© Crown copyright 2017

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£6.00

UK201709121003 09/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/850>

ISBN 978-0-11-116022-0



9 780111 160220