
STATUTORY INSTRUMENTS

2004 No. 2102

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

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.”.