
STATUTORY INSTRUMENTS

1986 No. 1078

The Road Vehicles (Construction and Use) Regulations 1986

PART II

REGULATIONS GOVERNING THE CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF VEHICLES

G

FUEL

[^{F1}Fuel tanks]

39.—[^{F2}(1) This regulation applies to every fuel tank which is fitted to a wheeled vehicle for the purpose of supplying fuel to the propulsion unit or to an ancillary engine or to any other equipment forming part of the vehicle.

- (2) Subject to paragraphs (3) [^{F3}, (3A)] and (4), every fuel tank to which this regulation applies—
- (a) shall be constructed and maintained so that the leakage of any liquid from the tank is adequately prevented;
 - (b) shall be constructed and maintained so that the leakage of vapour from the tank is adequately prevented; and
 - (c) if it contains petroleum spirit (as defined in section 23 of the Petroleum (Consolidation) Act 1928) and is fitted to a vehicle first used on or after 1st July 1973, shall be—
 - (i) made only of metal; and
 - (ii) fixed in such a position and so maintained as to be reasonably secure from damage.

(3) Notwithstanding the requirement of paragraph (2)(b), the fuel tank may be fitted with a device which, by the intake of air or the emission of vapour, relieves changes of pressure in the tank.]

[^{F4}(3A) Sub-paragraph (i) of paragraph 2(c) shall not have effect in relation to a two-wheeled motor cycle (with or without a side-car) first used on or after 1st February 1993.]

[^{F5}(4)] Instead of complying with the requirements of [^{F6}paragraphs (2) and (3)] as to construction, a vehicle may comply with the requirements of Community Directive 70/221 (insofar as they relate to fuel tanks) or ECE Regulation 34 or 34.01 or, if the vehicle is an agricultural motor vehicle, of Community Directive 74/151.

Textual Amendments

- F1** Reg. 39 crossheading substituted (10.12.1990) by [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 5\) Regulations 1990](#) (S.I. 1990/2212), regs. 1, 3 (with reg. 2(2))
- F2** Reg. 39(1)-(3) substituted for reg. 39(1) (10.12.1990) by [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 5\) Regulations 1990](#) (S.I. 1990/2212), regs. 1, 4 (with reg. 2(2))

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- F3** Word in reg. 39(2) inserted (1.2.1993) by The Road Vehicles (Construction and Use) (Amendment) (No. 8) Regulations 1992 (S.I. 1992/3285), regs. 1, **3(a)**
- F4** Reg. 39(3A) inserted (1.2.1993) by The Road Vehicles (Construction and Use) (Amendment) (No. 8) Regulations 1992 (S.I. 1992/3285), regs. 1, **3(b)**
- F5** Reg. 39(2) renumbered as reg. 39(4) (10.12.1990) by The Road Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1990 (S.I. 1990/2212), regs. 1, **5** (with reg. 2(2))
- F6** Words in reg. 39(4) substituted (10.12.1990) by The Road Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1990 (S.I. 1990/2212), regs. 1, **5** (with reg. 2(2))

Commencement Information

- I1** Reg. 39 in force at 11.8.1986, see **reg. 1**

[F7]39A.—(1) Every vehicle to which this regulation applies shall be designed and constructed for running on unleaded petrol.

(2) No person shall use or cause or permit to be used a vehicle to which this regulation applies on a road if it —

- (a) has been deliberately altered or adjusted for running on leaded petrol, and
- (b) as a direct result of such alteration or adjustment it is incapable of running on unleaded petrol.

(3) Subject to paragraph (4) this regulation applies to every motor vehicle which is —

- (a) propelled by a spark ignition engine which is capable of running on petrol, and
- (b) is first used on or after the 1st April 1991.

(4) Part I of Schedule 3A shall have effect for the purpose of excluding certain vehicles first used before specified dates from the application of this regulation.

(5) In this regulation “petrol”, “leaded petrol” and “unleaded petrol” have the same meaning as in Community Directive 85/210.

(6) A vehicle shall be regarded for the purposes of this regulation as incapable of running on unleaded petrol at any particular time if and only if in its state of adjustment at that time prolonged continuous running on such petrol would damage the engine.

Textual Amendments

- F7** Regs. 39A, 39B inserted (1.10.1988) by The Road Vehicles (Construction and Use) (Amendment) (No. 6) Regulations 1988 (S.I. 1988/1524), regs. 1, **5**

39B.—(1) Subject to paragraph (2), every fuel tank fitted to a vehicle to which regulation 39A applies shall be so constructed and fitted that it cannot readily be filled from a petrol pump delivery nozzle which has an external diameter of 23.6mm or greater without the aid of a device (such as a funnel) not fitted to the vehicle.

(2) Paragraph (1) does not apply to a vehicle in respect of which both of the following conditions are satisfied, that is to say —

- (a) that at the time of its first use the vehicle is so designed and constructed that prolonged continuous running on leaded petrol would not cause any device designed to control the emission of carbon monoxide, hydrocarbons or nitrogen oxides to malfunction, and
- (b) that it is conspicuously and legibly marked in a position immediately visible to a person filling the fuel tank with —
 - (i) the word “UNLEADED”, or

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(ii) the symbol shown in Part II of Schedule 3A.

(3) In this regulation “fuel tank”, in relation to a vehicle, means a fuel tank used in connection with the propulsion of the vehicle.]

Textual Amendments

F7 Regs. 39A, 39B inserted (1.10.1988) by [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 6\) Regulations 1988 \(S.I. 1988/1524\)](#), regs. 1, 5

Gas propulsion systems and gas-fired appliances

40.—(1) A vehicle which is—

(a) a motor vehicle which first used gas as a fuel for its propulsion before 19th November 1982; or

(b) a trailer manufactured before 19th November 1982 to which there is fitted a gas container, shall be so constructed that it complies either with the provisions of Schedule 4 or with the provisions of Schedule 5.

(2) [^{F8}Subject to paragraph (2A), a vehicle which is]—

(a) a motor vehicle which first used gas as a fuel for its propulsion on or after 19th November 1982; or

(b) a motor vehicle first used on or after 1st May 1984 or a trailer manufactured on or after 19th November 1982 which is in either case equipped with a gas container or a gas-fired appliance,

shall comply with the provisions of Schedule 5 [^{F9}or with ECE Regulation 67 or 67.01].

[^{F10}(2A) A vehicle which first used gas as a fuel for its propulsion on or after 13th November 1999 shall comply with the provisions of Schedule 5 or ECE Regulation 67.01].

(3) The requirements of this regulation are in addition to, and not in derogation from, the requirements of any regulations made under powers conferred by the petroleum (Consolidation) Act 1928, the Health and Safety at Work etc. Act 1974, the Control of Pollution Act 1974 or any other Act or of any codes of practice issued under the Health and Safety at Work etc. Act 1974.

(4) In this regulation “gas container” has the meaning given in Schedule 4 where compliance with the provisions of that Schedule is concerned and otherwise has the meaning given in Schedule 5.

Textual Amendments

F8 Words in [reg. 40\(2\)](#) substituted (1.8.2003) by [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2003 \(S.I. 2003/1690\)](#), regs. 1, **3(2)(a)**

F9 Words in [reg. 40\(2\)](#) inserted (1.8.2003) by [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2003 \(S.I. 2003/1690\)](#), regs. 1, **3(2)(b)**

F10 [Reg. 40\(2A\)](#) inserted (1.8.2003) by [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2003 \(S.I. 2003/1690\)](#), regs. 1, **3(3)**

Commencement Information

I2 [Reg. 40](#) in force at 11.8.1986, see [reg. 1](#)

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