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## STATUTORY INSTRUMENTS

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# 1986 No. 1078

## The Road Vehicles (Construction and Use) Regulations 1986

### PART II

#### REGULATIONS GOVERNING THE CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF VEHICLES

#### F

#### INSTRUMENTS AND EQUIPMENT

#### Speed limiters

- [<sup>F1</sup>36A.—(1) Subject to paragraph (13), this regulation applies to every coach which—
- (a) was first used on or after 1st April 1974 and before 1st January 1988; and
  - (b) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding [<sup>F2</sup>112.65 km/h]; and a reference to this regulation to a paragraph (1) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.
- (2) Subject to paragraph (13), this regulation also applies to every bus which—
- (a) is first used on or after 1st January 1988;
  - (b) has a maximum gross weight exceeding 7.5 tonnes; and
  - (c) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding [<sup>F3</sup>100 km/h]; and a reference in this regulation to a paragraph (2) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

[<sup>F4</sup>(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 [<sup>F5</sup>paragraph (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.

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(2C) Subject to [F6 paragraph (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;
- [F7(b) complies with the limit values in respect of Euro III emission standards set out in Council Directive 88/77/EEC, as amended by amendments up to and including those effected by Commission Directive 2001/27/EC;]
- (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.]

<sup>F8</sup>(2D) .....

<sup>F8</sup>(2E) .....

<sup>F9</sup>(3) .....

(4) Every vehicle to which this regulation applies shall be fitted with a speed limiter in respect of which such of the requirements of paragraphs (5) to (9) are met as apply to that speed limiter.

(5) Subject to paragraph (10), the requirements of this paragraph are that a speed limiter fitted to any vehicle must—

- (a) be sealed by an authorised sealer in such a manner as to protect the limiter against any improper interference or adjustment and against any interruption of its power supply; and
- (b) be maintained in good and efficient working order.

(6) The requirements of this paragraph are that a speed limiter fitted to a paragraph (1) vehicle must be calibrated to a set speed not exceeding [F10 112.65 km/h].

[F11(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.]

[F12(7A) A speed limiter fitted to a paragraph (2) vehicle which—

- (a) was first used before 1st January 2005 and has a maximum gross weight exceeding 10 tonnes; or
- (b) was first used before 1st October 2001 and has a maximum gross weight exceeding 7.5 tonnes but not exceeding 10 tonnes;

may be set at a maximum speed of 100 km/h.]

(8) Subject to paragraphs (11) and (12), the requirements of this paragraph are that a speed limiter fitted at any time to any paragraph (1) vehicle or a speed limiter fitted before 1st October 1994 to a paragraph (2) vehicle first used before that date must comply with—

- (a) Part 1 of the British Standard; or
- (b) the Annexes to Community Directive 92/24 [F13 as amended by Directive 2004/11/EC of the European Parliament and of the Council].

(9) The requirements of this paragraph are that a speed limiter (not being a speed limiter to which paragraph (8) applies) fitted to a paragraph (2) vehicle [F14, a paragraph (2A) vehicle, a paragraph (2B) vehicle and a paragraph (2C) vehicle] must comply with the Annexes to Community Directive 92/24 [F15 as amended by Directive 2004/11/EC of the European Parliament and of the Council].

<sup>F16</sup>(9A) .....

- (10) Paragraph (5)(a) shall have effect in relation to—
- (a) a speed limiter fitted before 1st August 1992 to a vehicle first used before that date; or
  - (b) a speed limiter sealed outside the United Kingdom, as if the words “by an authorised sealer” were omitted.
- (11) Paragraph (8) does not apply to a speed limiter fitted before 1st October 1988.
- (12) Paragraph (8) does not apply to a speed limiter fitted to a vehicle if the speed limiter complies with an equivalent standard.
- (13) This regulation does not apply to a vehicle—
- (a) being taken to a place where a speed limiter is to be installed, calibrated, repaired or replaced; <sup>F17</sup>...
  - (b) completing a journey in the course of which the speed limiter has accidentally ceased to function;
  - <sup>F18</sup>(c) which is owned by the Secretary of State for Defence and used for naval, military or air force purposes;
  - (d) which is used for naval, military or air force purposes while being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown; <sup>F19</sup>...
  - (e) while it is being used for fire and rescue authority purposes or for or in connection with the exercise of any function of [<sup>F20</sup>the Scottish Fire and Rescue Service], for ambulance purposes or police purposes][<sup>F21</sup>; or
  - (f) which is operated by or on behalf of Her Majesty’s Prison Service and used primarily for the purpose of moving Category A prisoners.]
- (14) In this regulation
- “authorised sealer” has the meaning given in Schedule 3B;
- <sup>F22</sup>“Category A prisoners” means that prison security category which is applied to prisoners whose escape would be highly dangerous to the public or the police or to the security of the state, no matter how unlikely that escape might be, and for whom the aim must be to make escape impossible;]
- “equivalent standard” means—
- (a) a standard or code of practice of a national standards body or equivalent body of any member State;
  - (b) any international standard recognised for use as a standard by any member State; or
  - (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any member State, where the standard, code of practice, international standard or technical specification provides, in relation to speed limiters, a level of speed control equivalent to that provided by Part 1 of the British Standard;
- <sup>F23</sup>“Euro III emission standards” means the emission limits given in rows A of the tables in section 6.2.1 of Annex 1 to Directive 1999/96/EC of the European Parliament and of the Council (amending Council Directive 88/77/EEC);]
- <sup>F24</sup>“international transport operations” means transport operations outside the United Kingdom;]
- <sup>F24</sup>“national transport operations” means transport operations within the United Kingdom;]
- “Part 1 of the British Standard” means the British Standard for Maximum Road Speed Limiters for Motor Vehicles which was published by the British Standards Institution under the number

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BS AU 217: Part 1: 1987 and which came into effect on 29th May 1987; as amended by Amendment Slip No.1 under the number AMD 5969 which was published and came into effect on 30th June 1988;

“set speed”, in relation to a calibrated speed limiter fitted to a vehicle, means the speed intended by the person who calibrated the speed limiter to be the mean speed of the vehicle when operating in a stabilised condition;

“speed limiter” means a device designed to limit the maximum speed of a motor vehicle by controlling the power output from the engine of the vehicle

F25  
...

[<sup>F24</sup>“transport operations” means the transportation of passengers in vehicles designed for such a purpose and to which this regulation applies.]]

### Textual Amendments

- F1 Regs. 36A, 36B substituted (1.1.1994) by The Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1993 (S.I. 1993/3048), regs. 1, 3(1), **Sch. Pt. I**
- F2 Word in reg. 36A(1)(b) substituted (1.7.1998) by The Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1997 (S.I. 1997/1340), regs. 1, **3(2)**
- F3 Word in reg. 36A(2)(c) substituted (1.7.1998) by The Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1997 (S.I. 1997/1340), regs. 1, **3(3)**
- F4 Reg. 36A(2A)-(2E) added (1.1.2005) by The Road Vehicles (Construction and Use) (Amendment) (No.2) Regulations 2004 (S.I. 2004/2102), regs. 1, **3(2)**
- F5 Words in reg. 36A(2B) substituted (3.3.2009) by The Road Vehicles (Construction and Use) (Amendment) Regulations 2009 (S.I. 2009/142), regs. 1(2), **4(2)**
- F6 Words in reg. 36A(2C) substituted (3.3.2009) by The Road Vehicles (Construction and Use) (Amendment) Regulations 2009 (S.I. 2009/142), regs. 1(2), **4(3)**
- F7 Reg. 36A(2C)(b) substituted (12.12.2005) by The Road Vehicles (Construction and Use)(Amendment) (No. 5) Regulations 2005 (S.I. 2005/3170), regs. 1, **3(2)**
- F8 Reg. 36A(2D)(2E) omitted (3.3.2009) by virtue of The Road Vehicles (Construction and Use) (Amendment) Regulations 2009 (S.I. 2009/142), regs. 1(2), **4(4)**
- F9 Reg. 36A(3) omitted (1.7.1998) by virtue of The Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1997 (S.I. 1997/1340), regs. 1, **3(4)**
- F10 Word in reg. 36A(6) substituted (1.7.1998) by The Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1997 (S.I. 1997/1340), regs. 1, **3(5)**
- F11 Reg. 36A(7) substituted (1.1.2005) by The Road Vehicles (Construction and Use) (Amendment) (No.2) Regulations 2004 (S.I. 2004/2102), regs. 1, **3(3)**
- F12 Reg. 36A(7A) substituted (12.12.2005) by The Road Vehicles (Construction and Use)(Amendment) (No. 5) Regulations 2005 (S.I. 2005/3170), regs. 1, **3(3)**
- F13 Words in reg. 36A(8)(b) added (1.1.2005) by The Road Vehicles (Construction and Use) (Amendment) (No.2) Regulations 2004 (S.I. 2004/2102), regs. 1, **3(5)**
- F14 Words in reg. 36A(9) added (1.1.2005) by The Road Vehicles (Construction and Use) (Amendment) (No.2) Regulations 2004 (S.I. 2004/2102), regs. 1, **3(6)(a)**
- F15 Words in reg. 36A(9) added (1.1.2005) by The Road Vehicles (Construction and Use) (Amendment) (No.2) Regulations 2004 (S.I. 2004/2102), regs. 1, **3(6)(b)**
- F16 Reg. 36A(9A) omitted (1.9.2003) by virtue of The Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 2003 (S.I. 2003/1946), regs. 1, **4**
- F17 Word in reg. 36A(13) omitted (12.12.2005) by virtue of The Road Vehicles (Construction and Use) (Amendment)(No. 5) Regulations 2005 (S.I. 2005/3170), regs. 1, **3(4)(a)**
- F18 Reg. 36A(13)(c)-(e) added (12.12.2005) by The Road Vehicles (Construction and Use)(Amendment) (No. 5) Regulations 2005 (S.I. 2005/3170), regs. 1, **3(4)(b)**

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- F19** Word in reg. 36A(13) omitted (3.3.2009) by virtue of The Road Vehicles (Construction and Use) (Amendment) Regulations 2009 (S.I. 2009/142), regs. 1(2), **4(5)(a)**
- F20** Words in reg. 36A(13)(e) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 2 para. 4(4)**
- F21** Reg. 36A(13)(f) and word inserted (3.3.2009) by The Road Vehicles (Construction and Use) (Amendment) Regulations 2009 (S.I. 2009/142), regs. 1(2), **4(5)(b)**
- F22** Words in reg. 36A(14) inserted (3.3.2009) by The Road Vehicles (Construction and Use) (Amendment) Regulations 2009 (S.I. 2009/142), regs. 1(2), **4(6)**
- F23** Words in reg. 36A(14) added (12.12.2005) by The Road Vehicles (Construction and Use)(Amendment) (No. 5) Regulations 2005 (S.I. 2005/3170), regs. 1, **3(5)**
- F24** Words in reg. 36A(14) added (1.1.2005) by The Road Vehicles (Construction and Use) (Amendment) (No.2) Regulations 2004 (S.I. 2004/2102), regs. 1, **3(7)**
- F25** Words in reg. 36A(14) omitted (1.7.1998) by virtue of The Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1997 (S.I. 1997/1340), regs. 1, **3(8)**

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