

1990 No. 2212

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
(No. 5) Regulations 1990**

<i>Made - - - - -</i>	<i>6th November 1990</i>
<i>Laid before Parliament</i>	<i>19th November 1990</i>
<i>Coming into force</i>	<i>10th December 1990</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 41 of the Road Traffic Act 1988(a), as read with section 43 of that Act, and all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1990 and shall come into force on 10th December 1990.

Preliminary

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(b) shall be further amended in accordance with the following provisions of these Regulations.

(2) The Secretary of State is satisfied that—

- (a) it is requisite that the provisions of regulation 4 shall apply as from 10th December 1990 to vehicles registered under the Vehicles (Excise) Act 1971(c) before the expiration of one year from the making of these Regulations; and
- (b) notwithstanding that the said provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby.

Amendments to regulation 39

3. For the cross heading to regulation 39 there shall be substituted “Fuel tanks”.

4. For regulation 39(1) there shall be substituted—

“(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) 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;

(a) 1988 c.52.

(b) S.I. 1986/1078, to which there are no relevant amendments.

(c) 1971 c.10.

- (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)(a) 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.”.

5. Regulation 39(2) shall be renumbered as regulation 39(4) and in that paragraph for “paragraph (1)” there shall be substituted “paragraphs (2) and (3)”.

Signed by authority of the
Secretary of State for Transport

Christopher Chope
Parliamentary Under Secretary of State,
Department of Transport

6th November 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Construction and Use) Regulations 1986.

The requirement that petrol tanks fitted to vehicles and used for the propulsion of the vehicles must be so constructed and maintained that the leakage of any liquid or vapour is adequately prevented is amended to apply to all fuel tanks.

Drafting amendments have also been made.

(a) 1928 c.32.

60p net

Reprinted 1991
Printed in the United Kingdom for HMSO
850 WO 0763 C10 1/91 51.0.0 56219 ON 135528

ISBN 0-11-005212-9



9 780110 052120