
STATUTORY INSTRUMENTS

1992 No. 2137

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 5) Regulations 1992**

Made - - - - 3rd September 1992
Laid before Parliament 11th September 1992
Coming into force - - 31st December 1992

The Secretary of State, in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(1) as read with section 43 of that Act and of all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

Commencement and citation

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1992 and shall come into force on 31st December 1992.

Preliminary

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(2) 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 3 shall apply as from 31st December 1992 to vehicles registered under the Vehicles (Excise) Act 1971(3) 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 relating to exhaust emissions

3.—(1) Regulation 61 shall be amended as follows.

(2) In paragraph 4(b)—

(1) 1988 c. 52.
(2) S.I.1986/1078; relevant amending instruments are S.I. 1988/1524, 1990/1131 and 1991/1526.
(3) 1971 c. 10.

- (a) in sub-paragraph (i), for “or 88/76” there shall be substituted “, 88/76 or 91/441”;
- (b) the word “or” immediately following sub-paragraph (i) shall be omitted;
- (c) for sub-paragraph (ii), there shall be substituted the following sub-paragraphs—
 - “(ii) in a case where the first use is on or after 1st April 1991 but before 31st December 1992, with Community Directive 83/351, 88/76 or 91/441, or ECE Regulation 15.04; or
 - (iii) in any other case, with Community Directive 91/441.”
- (3) In paragraph (7)(b), for the words “those requirements would neither” there shall be substituted the words “neither would those requirements”.
- (4) For paragraph (10) there shall be substituted the following paragraph—

“(10) Where a vehicle is constructed or assembled by a person not ordinarily engaged in the business of manufacturing motor vehicles of that description, the date on which it is first used shall, for the purposes of paragraphs (3A), (7), (8) and (9), be regarded as being the 1st January immediately preceding the date of manufacture of the engine by which it is propelled.

However, the date on which a vehicle is first used shall not, by virtue of the foregoing provisions of this paragraph, be regarded in any circumstances as being later than the date on which it would otherwise have been regarded as being first used had those provisions been omitted.”
- (5) In paragraph (10B), the word “or” immediately following sub-paragraph (f) shall be omitted, and after sub-paragraph (g) there shall be added the following words—

“or

 - (h) a vehicle first used before 1st August 1987 if the engine is a rotary piston engine; and for the purposes of this paragraph “the engine”, in relation to a vehicle, means the engine by which it is propelled.”
- (6) After paragraph (10B) there shall be inserted the following paragraph—

“(10C) For the purposes of this regulation—

 - (a) any rotary piston engine shall be deemed to be a four-stroke engine; and
 - (b) “rotary piston engine” means an engine in which the torque is provided by means of one or more rotary pistons and not by any reciprocating piston.”
- (7) In paragraph (11), after sub-paragraph (c) there shall be added the words “and for the purposes of determining whether a vehicle is a vehicle to which item 8, 9 or 10 in that Table applies, regulation 4(2) shall be disregarded”.
- (8) For Table II, there shall be substituted the following Table—

“TABLE II (regulation 61(3A) and (7))

| (1) <i>Item</i> | (2) <i>Class of Vehicle</i> | (3) <i>Date of First Use</i> | (4) <i>Design, construction and equipment requirements</i> | | (5) <i>Vehicles exempted from requirements</i> | (6) <i>Emitted Substances</i> |
|--------------------|---|---------------------------------|---|---|--|----------------------------------|
| | | | (a) <i>Instrument</i> | (b) <i>Place in instrument where requirement where requirements are stated</i> | | |
| 1 | Vehicles propelled by a spark ignition engine | 1st October 1992 | Community Directive 78/665 or ECE Regulation 15.03. | Annex I, paragraph 3 and 5 Paragraphs 5, 8 and 11 | (a) A Carbon monoxide, hydrocarbons and oxides of nitrogen. weight exceeds 3500 kg; (b) A vehicle which complies with the requirements of item 2, 4, 5 or 8; (c) A vehicle whose maximum speed is less than 50 km/h; | |

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| (1) Item | (2) Class of Vehicle | (3) Date of First Use | (4) Design, construction and equipment requirements | | (5) Vehicles exempted from requirements | (6) Emitted Substances |
|-------------|----------------------------|-----------------------------|---|--|---|------------------------------|
| | | | (a) Instrument | (b) Place in instrument where requirement where requirements are stated | | |
| 2 | All vehicles. | 1st April 1991. | Community Directive 83/351 or ECE Regulation 15.04. | Annex I, paragraphs 5, 7 and 8 Paragraphs 5, 8 and 12. | <p>(d) An exempt vehicle.</p> <p>(a) A Carbon monoxide, hydrocarbons and oxides of nitrogen compression ignition engine and whose maximum gross weight exceeds 3500 kg;</p> <p>(b) A vehicle which complies with the requirements of item 4, 5 and 8;</p> <p>(c) A vehicle within the meaning given</p> | |

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| (1) <i>Item</i> | (2) <i>Class of Vehicle</i> | (3) <i>Date of First Use</i> | (4) <i>Design, construction and equipment requirements</i> | (5) <i>Vehicles exempted from requirements</i> | (6) <i>Emitted Substances</i> |
|--------------------|--------------------------------|---------------------------------|---|---|--|
| | | | (a) <i>Instrument</i> | (b) <i>Place in instrument where requirement where requirements are stated</i> | |
| | | | | | by Article 1 of Community Directive 88/77 and which complies with the requirements of item 6, 9 or 10; |
| | | | | | (d) An industrial tractor, works truck or engineering plant; |
| | | | | | (e) A vehicle whose maximum speed is less than 50 km/h; |

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| (1) Item | (2) Class of Vehicle | (3) Date of First Use | (4) Design, construction and equipment requirements | | (5) Vehicles exempted from requirements | (6) Emitted Substances |
|-------------|--|-----------------------------|---|--|---|---|
| | | | (a) Instrument | (b) Place in instrument where requirement where requirements are stated | | |
| 3 | Industrial tractors, works trucks and engineering plant propelled in each case by a compression ignition engine. | 1st April 1993. | ECE Regulation 49. | Paragraphs 5 and 7. | (f) An exempt vehicle. A vehicle which complies with the requirements of item 6, 9 or 10. | Carbon monoxide, hydrocarbons and oxides of nitrogen. |
| 4. | (a) Passenger vehicles which— are constructed or adapted to carry not more than 5 passengers excluding the driver, and (b) have a maximum gross weight of not more | 1st April 1991. | Community Directive 88/76 or Community Directive 89-458 or ECE Regulation 83. | Annex I, paragraphs 5, 7 and 8 Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13. | (a) A Carbon monoxide, hydrocarbons and oxides of nitrogen. the requirements of item 2 or 8; (b) A vehicle whose maximum speed is less than 50 km/h; | Carbon monoxide, hydrocarbons and oxides of nitrogen. |

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| (1) Item | (2) Class of Vehicle | (3) Date of First Use | (4) Design, construction and equipment requirements | | (5) Vehicles exempted from requirements | (6) Emitted Substances |
|-------------|---|--|---|--|---|------------------------------|
| | | | (a) Instrument | (b) Place in instrument where requirement where requirements are stated | | |
| | than 2500 kg. not being off-road vehicles. | | | | (c) An exempt vehicle. | |
| 5 | Vehicles which are not of a description specified in this column in item 4 but which— (a) are propelled by a spark ignition engine and have a maximum gross weight of not more than 2000 kg, or (b) are propelled by a compression ignition engine and have a maximum | 1st April 1992. 1st April 1991. | Community Directive 88/76 or ECE Regulation 83. | Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13. | (a) A Carbonmonoxide, vehicle hydrocarbons with and oxides the of nitrogen. meaning given by Article 1 of Community Directive 88/77 and which complies with the requirements of item 6, 9 or 10; (b) An industrial tractor, works truck or engineering plant; | |

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| (1) Item | (2) Class of Vehicle | (3) Date of First Use | (4) Design, construction and equipment requirements | | (5) Vehicles exempted from requirements | (6) Emitted Substances |
|-------------|---|-----------------------------|--|--|--|------------------------------|
| | | | (a) Instrument | (b) Place in instrument where requirement where requirements are stated | | |
| | gross weight of more than 3500 kg. | | | | (c) A vehicle whose maximum speed is less than 50 km/ h; (d) A vehicle which complies with the requirements of item 8; (e) An exempt vehicle. | |
| 6 | All vehicles propelled by compression ignition engines. | 1st April 1991. | Community Directive 88/77 or ECE Regulation 49.01. | Annex I, paragraphs 6, 7 and 8. Paragraphs 5, 6 and 7. | (a) A Carbon monoxide, hydrocarbons and oxides gross weight is less than 3500 kg and which complies | |

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| (1) <i>Item</i> | (2) <i>Class of Vehicle</i> | (3) <i>Date of First Use</i> | (4) <i>Design, construction and equipment requirements</i> | (5) <i>Vehicles exempted from requirements</i> | (6) <i>Emitted Substances</i> |
|--------------------|--------------------------------|---------------------------------|---|---|----------------------------------|
|--------------------|--------------------------------|---------------------------------|---|---|----------------------------------|

| (a) <i>Instrument</i> | (b) <i>Place in instrument where requirement where requirements are stated</i> |
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|--------------------------|---|

with the requirements of item 2;

(b) A vehicle which complies with the requirements of item 4, 5, 8, 9 or 10;

(c) A fire appliance which is first used before 1st October 1992;

(d) An industrial tractor, works truck or

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| (1) Item | (2) Class of Vehicle | (3) Date of First Use | (4) Design, construction and equipment requirements | | (5) Vehicles exempted from requirements | (6) Emitted Substances |
|-------------|--|-----------------------------|---|--|--|------------------------------|
| | | | (a) Instrument | (b) Place in instrument where requirement where requirements are stated | | |
| 7 | Passenger vehicles which— (a) are constructed or adapted to carry not more than 5 passengers excluding the driver, (b) have a maximum gross weight of not more than 2500 kg, and (c) are propelled by a compression ignition engine of the indirect | 1st April 1991. | Community Directive 88/436. | Annex I, paragraphs 5, 7 and 8, as far as they relate to particulate emissions. | engineering plant; (e) An exempt vehicle. (a) A Particulates. vehicle which complies with the requirements of item 8; (b) A vehicle whose maximum speed is less than 50 km/h; (c) An off-road vehicle; (d) An exempt vehicle. | |

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| (1) Item | (2) Class of Vehicle | (3) Date of First Use | (4) Design, construction and equipment requirements | | (5) Vehicles exempted from requirements | (6) Emitted Substances |
|-------------|-------------------------------------|-----------------------------|---|--|---|------------------------------|
| | | | (a) Instrument | (b) Place in instrument where requirement where requirements are stated | | |
| 8 | All vehicles. injection type. | 31st December 1992. | Community Directive 91/441. | Annex I, paragraphs 5, 7 and 8. | (a) A Carbon vehicle, emitting carbon dioxide, hydrocarbons, the oxides of nitrogen, lead and particulates. Article 1 of Community Directive 88/77 and which complies with the requirements of item 6 and is first used before 1st October 1993 or which complies with the requirements of | |

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| (1) Item | (2) Class of Vehicle | (3) Date of First Use | (4) Design, construction and equipment requirements | | (5) Vehicles exempted from requirements | (6) Emitted Substances |
|-------------|---|-----------------------------|---|---|--|------------------------------|
| | | | (a) Instrument | (b) Place in instrument where requirement where requirements are stated | | |
| | | | | | | item 9 or 10; |
| | | | | | (b) An industrial tractor, works truck or engineering plant; | |
| | | | | | (c) A vehicle whose maximum speed is less than 50 km/h; | |
| | | | | | (d) An exempt vehicle. | |
| 9 | All vehicles propelled by compression ignition engines. | 1st October 1993. | Community Directive 91/542. | Annex I, paragraphs 6, 7 and 8 (excluding line B in the Tables in subparagraphs 6.2.1 and 8.3.1.1). | (a) A Carbon monoxide, hydrocarbons, particulates, nitrogen, and particulates of item 8 or 10; | |

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| (1) Item | (2) Class of Vehicle | (3) Date of First Use | (4) Design, construction and equipment requirements | | (5) Vehicles exempted from requirements | (6) Emitted Substances |
|-------------|---|-----------------------------|---|---|--|------------------------------|
| | | | (a) Instrument | (b) Place in instrument where requirement where requirements are stated | | |
| | | | | | (b) An industrial tractor, works truck or engineering plant; | |
| | | | | | (c) An exempt vehicle. | |
| 10 | All vehicles propelled by compression ignition engines. | 1st October 1996. | Community Directive 91/542. | Annex I, paragraphs 6,7 and 8 (excluding line A in the Tables in sub-paragraphs 6.2.1 and 8.3.1.1). | <p data-bbox="1106 1151 1362 1469">(a) A Carbon monoxide, hydrocarbons, oxides of nitrogen, and particulates.”</p> <p data-bbox="1106 1480 1289 1727">(b) An industrial tractor, works truck or engineering plant;</p> <p data-bbox="1106 1749 1241 1843">(c) An exempt vehicle.</p> | |

Consequential amendments

4.—(1) In Tables I of Schedule 2, after item 62, there shall be inserted the following items—

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| | | | | | | | |
|-----|--------|---------|---------------------------|--|--|----|-----|
| “63 | 91/441 | 26.6.9 | L242, 30.8.91, p.1 | Measures to be taken against air pollution by emissions from motor vehicles | 70/220 as amended by 74/290, 77,102, 78/665, 83/351, 88/76, 88/436 and 89/458 | 4G | 2F |
| 64 | 91/542 | 1.10.91 | L295, 25.10.91, p.1 | Measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles | 88/77 | 4H | 2G” |

(2) In Table II of Schedule 2, after item 21A, there shall be inserted the following item—

| | | | | | | |
|-------|-------|----|---------|---------------------------------------|---|----|
| “21AA | 49.01 | 49 | 14.5.90 | emissions of gaseous pollutants | — | —” |
|-------|-------|----|---------|---------------------------------------|---|----|

Signed by authority of the Secretary of State for Transport

3rd September 1992

Kenneth Carlisle
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This Note is not part of the Regulations)

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

Regulation 61 of the 1986 Regulations is amended so as to introduce:

- (a) compulsory compliance with the limits on emissions from—
 - (i) vehicles with spark-ignition engines, and
 - (ii) light-duty vehicles with compression-ignition engines, first used on or after 31st December 1992 as set by Council Directive [91/441/EEC](#);
- (b) provision for such vehicles first used before 31st December 1992 to comply with those limits instead of existing requirements;
- (c) compulsory compliance with certain limits on emissions from vehicles with compression-ignition engines first used on or after 1st October 1993 as set by Council Directive [91/542/EEC](#) if those vehicles do not comply with the limits referred to in paragraph (a) above;
- (d) compulsory compliance with the remaining limits on emissions from vehicles with compression-ignition engines first used on or after 1st October 1996 as set by Council Directive [91/542/EEC](#) if those vehicles do not comply with the limits referred to in paragraph (a) above;
- (e) provision for vehicles with compression-ignition engines first used before 1st October 1993 to comply with the limits referred to in paragraph (c) above instead of existing requirements;
- (f) provision for vehicles with compression-ignition engines first used before 1st October 1996 to comply with the limits referred to in paragraph (d) above instead of existing requirements; and
- (g) provision for vehicles with compression-ignition engines first used on or after 1st April 1991 and before 1st October 1993 to comply with ECE Regulation 49 as amended instead of the limits set out in Council Directive [88/77/EEC](#).

Regulation 4(2) of the 1986 Regulations provides that where a provision is applied to a motor vehicle first used on or after a specified date it does not apply to a vehicle manufactured at least six months before that date. Regulation 4(2) is disapplied in relation to the requirements referred to in paragraph (a), (c) and (d). Those requirements will, accordingly, apply to vehicles first used on or after the dates specified irrespective of the date of manufacture.

Regulation 61 is also amended so that vehicles with rotary piston engines fitted to vehicles first used before 1st August 1987 will not have to comply with paragraph (10A) of that regulation. Paragraph (10A) imposes limits on the carbon monoxide content and hydrocarbon content of the exhaust emissions from certain vehicles with 4-stroke petrol engines.

A minor amendment is made in relation to vehicles fitted by persons who are not motor manufacturers.

Copies of the EEC Directives and ECE Regulations which are relevant to these Regulations can be obtained from Her Majesty's Stationery Office. The details of the relevant EEC Directives and ECE Regulations are set out below.

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| <i>Principal Instrument</i> | <i>Relevant Amending Instruments</i> |
|---|--|
| Council Directive 70/220/EEC of 20th March 1970 (OJ No L76, 6.4.70, p. 1 (SE 1970(I), p. 171). | Council Directive 74/290/EEC of 28th May 1974 (OJ No L159, 15.6.74, p. 61); Commission Directive 77/102/EEC of 30th November 1976 (OJ No L132, 3.2.77, p. 32); Commission Directive 78/665/EEC of 14th July 1978 (OJ No L223, 14.8.78, p. 48); Council Directive 83/351/EEC of 16th June 1983 (OJ No L197, 20.7.83, p. 1); Council Directive 88/76/EEC of 3rd December 1987 (OJ No L36, 9.2.88, p. 1); Council Directive 88/436/EEC of 16th June 1988 (OJ No L214, 6.8.88, p. 1, to which there is a corrigendum in OJ No L303, 8.11.88, p. 36); Council Directive 89/458/EEC of 18th July 1989 (OJ No L226, 3.8.89, p. 1; and Council Directive 91/441/EEC of 26th June 1991 (OJ No L242, 30.8.91, p. 1). |
| Council Directive 88/77/EEC of 3rd December 1987 (OJ No L36, 9.2.88, p. 33). | Council Directive 91/542/EEC of 1st October 1991 (OJ No L295, 25.10.91, p. 1). |
| Regulation 49 annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 2nd March 1958 (Cmnd 2535) as amended (Cmnd 3562) to which the United Kingdom is a party by an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963 | Amended on 14th May 1990. |