
STATUTORY INSTRUMENTS

1997 No. 1544

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 5) Regulations 1997**

<i>Made</i>	- - - -	<i>20th June 1997</i>
<i>Laid before Parliament</i>		<i>20th June 1997</i>
<i>Coming into force</i>	- -	<i>1st August 1997</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988⁽¹⁾ and of all other powers enabling him in that behalf, 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 1997 and shall come into force on 1st August 1997.

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(2) of these Regulations shall apply as from 1st October 1997 to vehicles registered under the Vehicle Excise and Registration Act 1994⁽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.

Amendment of regulation 61 (emission of smoke, vapour, gases, oily substances, etc)

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

(2) For Table II there shall be substituted the Table set out in the Schedule to these Regulations.

(1) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(2) S.I.1986/1078; relevant amending instruments are S.I. 1995/2210, 1996/2085.
(3) 1994 c. 22.

Amendment to Schedule 7B (emissions from certain motor vehicles)

4.—(1) Schedule 7B shall be amended as follows.

(2) For sub-paragraph (b) of paragraph 7 there shall be substituted the following sub-paragraph—

“(b) “the emissions publication” is the publication entitled “In-Service Exhaust Emissions Standards for Road Vehicles (Third Edition)” (ISBN 0–9526457–2–6) published by the Department of Transport.”

Signed by authority of the Secretary of State for Transport

Helene Hayman
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

20th June 1997

THE SCHEDULE

Regulation 3(2)

TABLE II

(regulation 61(3A), (3C), (7), (11) and (12))

(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 requirements are stated</i>		
1	Vehicles propelled by a spark ignition engine.	1st October 1982	Community Directive 78/665 or ECE Regulation 15.03	Annex I, paragraphs 3 and 5. Paragraphs 5, 8 and 11.	(a)	Carbon monoxide, hydrocarbons and oxides of nitrogen. gross weight exceeds 3,500 kg;
					(b)	A vehicle which complies with the requirements of item 2, 4, 5, 8, 11, 12 or 13;
					(c)	A vehicle whose maximum speed is less

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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 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.	(d) An exempt vehicle.	<p>than 50 km/h;</p> <p>(a) A carbon monoxide, hydrocarbons and oxides of nitrogen. compression ignition engine and whose maximum gross weight exceeds 3,500 kg;</p> <p>(b) A vehicle which complies with the requirements of item 4, 5, 8, 11, 12</p>

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					<p>or 13;</p> <p>(c) A vehicle within the meaning given by Article 1 of Community Directive 88/77 and which complies with the requirements of item 6, 9, or 10;</p> <p>(d) An industrial tractor, works truck or engineering plant;</p> <p>(e) A vehicle whose</p>

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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 requirements are stated		
						maximum speed is less than 50 km/h;
					(f) An exempt vehicle.	
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.	A vehicle which complies with the requirements of item 6, 9, 10, 11, 12 or 13.	Carbon monoxide, hydrocarbons and oxides of nitrogen.
4	Passenger vehicles which— (a) are constructed or adapted to carry not more than 5 passengers excluding	1st April 1991	Community Directive 88/76	Annex I, paragraphs 5, 7 and 8.	(a)	A Carbon monoxide, hydrocarbons and oxides of nitrogen. the requirements of item 2, 8, 11, 12
			or	Annex I, paragraphs 5, 7 and 8.		
			Community Directive 89/458	Paragraphs 5, 8 and 13.		
			or			

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			(a) Instrument	(b) Place in instrument where requirements are stated		
	(b) the driver, and have a maximum gross weight of not more than 2,500 kg, not being off-road vehicles.		ECE Regulation 83		(b) A vehicle whose maximum speed is less than 50 km/h; (c) An exempt vehicle.	or 13;
5	(a) Vehicles which are not of a description specified in this column in item 4 but which— are propelled by a spark ignition engine and have a maximum gross weight of not more	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 carbon monoxide, hydrocarbons and oxides of nitrogen. given by Article 1 of Community Directive 88/77 and which complies with the requirements of item	

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	than 2,000 kg, or (b) are propelled by a compression ignition engine and have a maximum gross weight of more than 3,500 kg.			6, 9, 10, 11, 12 or 13; (b) An industrial tractor, works truck or engineering plant; (c) A vehicle whose maximum speed is less than 50 km/ h; (d) A vehicle which complies with the requirements of item 8;	

(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 requirements are stated		
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.	(e) An exempt vehicle.	<p>(a) A carbon dioxide, hydrocarbons and oxides of nitrogen weight is less than 3,500 kg and which complies with the requirements of item 2;</p> <p>(b) A vehicle which complies with the requirements of item 4, 5, 8, 9, 10, 11,</p>

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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 requirements are stated		
					12	
					or	
					13;	
					(c)	A fire appliance which is first used before 1st October 1992;
					(d)	An industrial tractor, works truck or engineering plant;
					(e)	An exempt vehicle.
7	Passenger vehicles which— (a) are constructed or adapted to carry not more than 5	1st April 1991	Community Directive 88/436	Annex I, paragraphs 5, 7 and 8 as far as they relate to particulate emissions.	(a)	A (d) particulates vehicle which complies with the requirements of item 8, 11, 12

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			(a) Instrument	(b) Place in instrument where requirements are stated		
	passengers excluding the driver, (b) have a maximum gross weight of not more than 2,500 kg, and (c) are propelled by a compression ignition engine of the indirect injection type.				or 13; (b) A vehicle whose maximum speed is less than 50 km/h; (c) An off-road vehicle; (d) An exempt vehicle.	
8	All vehicles.	31st December 1992	Community Directive 91/441 or ECE Regulation 83.01	Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13.	(a) A carbon monoxide, hydrocarbons, the oxides of mean nitrogen and particulates. by Article 1 of Community Directive 88/77	

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			(a) <i>Instrument</i> (b) <i>Place in instrument where requirements are stated</i>		
					and which— (i) complies with the requirements of item 6 and is first used before 1st October 1993, or (ii) complies with the requirements of item 9, 10, 11, 12 or 13; (b) An industrial tractor, works truck or engineering plant;

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			(a) Instrument	(b) Place in instrument where requirements are stated		
9	All vehicles propelled by a compression ignition engine.	1st October 1993	Community Directive 91/542 or ECE Regulation 49.02	Annex I, paragraphs 6, 7 and 8 (excluding line B in the Tables in sub-paragraphs 6.2.1 and 8.3.1.1). Paragraphs 5, 6 and 7 (excluding line B in the Tables in sub-paragraphs 5.2.1 and 7.4.2.1).	<p>(c) A vehicle whose maximum speed is less than 50 km/h;</p> <p>(d) An exempt vehicle.</p> <p>(a) Carbon monoxide, hydrocarbons, oxides of nitrogen and the particulates. requirements of item 8, 10, 11, 12 or 13;</p> <p>(b) An industrial tractor, works truck or engineering plant;</p>	

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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 requirements are stated		
10	All vehicles propelled by a compression ignition engine.	1st October 1996	Community Directive 91/542 or ECE Regulation 49.02	Annex I, paragraphs 6, 7 and 8 (excluding line A in the Tables in sub-paragraphs 6.2.1 and 8.3.1.1). Paragraphs 5, 6 and 7 (excluding line A in the Tables in sub-paragraphs 5.2.1 and 7.4.2.1).	(c) An exempt vehicle.	(a) A carbon vehicle, which complies with the requirements of item 8, 11, 12 or 13; (b) An industrial tractor, works truck or engineering plant; (c) An exempt vehicle.
11	All vehicles.	1st October 1994	Community Directive 93/59	Annex I, paragraphs 5, 7 and 8.	(a) A carbon vehicle, which complies with the requirements of Article 1	A carbon vehicle, which complies with the requirements of Article 1

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					<p>of Community Directive 88/77 and which complies with the requirements of items 9, 10, 12 or 13;</p> <p>(b) An industrial tractor, works truck or engineering plant;</p> <p>(c) Vehicles whose maximum speed is less than 50 km/ h;</p>

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			(a) Instrument	(b) Place in instrument where requirements are stated		
12	All vehicles.	1st January 1997	Community Directive 94/12	Annex I, paragraphs 5, 7 and 8.	(d) An exempt vehicle.	<p>(a) A carbon monoxide, hydrocarbons, the oxides of nitrogen and particulates.</p> <p>by Article 1 of Community Directive 88/77 and which complies with the requirements of items 9, 10, 11 or 13;</p> <p>(b) An industrial tractor, works truck or engineering plant;</p>

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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 requirements are stated		
13	All vehicles.	1st October 1997	Community Directive 96/69	Annex I, paragraphs 5, 7 and 8.	(c) Vehicles whose maximum speed is less than 50 km/h;	
					(d) An exempt vehicle.	
					(a) A Carbon monoxide, hydrocarbons, the oxides of nitrogen and particulates. by Article 1 of Community Directive 88/77 and which complies with the requirements of items 9, 10, or 12;	

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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 requirements are stated		
14	Vehicles falling within (a) Class II or III, as	1st October 1998	Community Directive 96/69	Annex 1, paragraphs 5, 7 and 8.	(b) A vehicle as defined in column 2 of item 14; (c) An industrial tractor, works truck or engineering plant; (d) Vehicles whose maximum speed is less than 50 km/h; (e) An exempt vehicle.	Carbon monoxide, hydrocarbons, oxides of nitrogen and particulates.

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			(a) <i>Instrument</i> (b) <i>Place in instrument where requirements are stated</i>		
	(b) specified in the Annex to Community Directive 96/69, of category N1, or Category M and specified in footnote (2) of that Annex.				
	Note: references to categories M and N1 are to those categories as specified in Annex II of the Framework Directive.				

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EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 3 amends regulation 61 of the 1986 Regulations so as to substitute a new Table for Table II of that regulation. Table II lists design, construction and equipment requirements relating to emissions applicable to particular classes of vehicle and specifies the instruments containing those requirements. The main change introduced by the substituted table is the addition of items 13 and 14. Consequential amendments are made to earlier items.

Regulation 4 of these Regulations amends Schedule 7B (emissions from certain vehicles) to the 1986 Regulations by substituting a new definition of the expression “the emissions publication” so as to refer to the recently published third edition of this publication (In-Service Exhaust Emission Standards for Road Vehicles (3rd edition) published by the Department of Transport). The publication sets out the in-service exhaust emission standards which various makes of vehicle are required to meet in accordance with Schedule 7B.

A copy of the emissions publication can be obtained free of charge from the Department of the Environment, Transport and the Regions, Vehicle Certification Agency, 1 Eastgate Office Centre, Eastgate Road, Bristol BS5 6XX (Telephone 01179-515151).

Compliance cost assessments have been prepared and copies can be obtained from the Department of the Environment, Transport and the Regions, Zone 2/03, Great Minster House, 76 Marsham Street, London SW1P 4DR (Telephone 0171-271 4632). Copies have been placed in the libraries of each House of Parliament.