

2006 No. 2565

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) and Motor Vehicles
(Type Approval for Goods Vehicles) (Great Britain)
(Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>21st September 2006</i>
<i>Laid before Parliament</i>		<i>27th September 2006</i>
<i>Coming into force</i>		
	<i>For the purpose of Regulations 4(5), 6(10) and 6(13)</i>	<i>9th November 2006</i>
	<i>For all other purposes</i>	<i>20th October 2006</i>

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred upon him by sections 41(1), (2), (5) and 54(1) and 61(1) of the Road Traffic Act 1988(a).

In accordance with section 195(2) of that Act, he has consulted organisations representative of those he considers likely to be affected by these Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Road Vehicles (Construction and Use) and Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2006.

(2) These Regulations shall come into force for the purposes of regulations 4(5), 6(10) and 6(13) on 9th November 2006, and for all other purposes on 20th October 2006.

Interpretation

2. In these Regulations, “the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(b).

Amendment of regulation 3 of the 1986 Regulations

3. In the Table in regulation 3(2) of the 1986 Regulations, after the item “The Approval Marks Regulations”, the following item shall be inserted—

(a) 1988 c.52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(b) S.I. 1986/1078; relevant amending instruments are S.I. 1990/1131, 1991/1526, 1992/2137, 1995/2210, 1996/2329, 1996/3017, 1997/1458, 1997/1544, 1998/1000, 1998/1188, 2000/3197, 2001/306, 2001/1474, 2001/1825 and 2001/3208.

“The EC Whole Vehicle Type Approval Regulations	The Motor Vehicles (EC Type Approval) Regulations 1998(a)”
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Amendment of regulation 61A

4.—(1) Regulation 61A of the 1986 Regulations, (emission of smoke, vapour, gases, oily substances etc - further requirements for certain motor vehicles first used on or after 1st January 2001) shall be amended as follows.

(2) Paragraph (7) shall be replaced with the following—

“(7) If a vehicle has, in accordance with Schedule 7XA, been exempted from the need to comply with any provision of a Community Directive specified in item 1 or 2 in the Table (“the exempted provision”), it shall, in substitution for the exempted provision, comply with the equivalent provision (if any) that would have applied by virtue of this regulation in relation to such a vehicle immediately before the coming into force of the requirement to comply with the exempted provision; and in relation to that equivalent provision paragraphs 2 to 4 shall apply as if they referred to the Community Directive under which that equivalent provision arose.”.

(3) Sub-paragraph (b) of paragraph (8) shall be replaced with the following—

“(b) “date as is specified” means, in relation to any vehicle and—

- (i) in relation to limit values set by a Community Directive specified in item 1 or 2 in the Table, the date specified by that Community Directive as that from which Member States are required to prohibit the registration or the entry into service of that vehicle if it does not comply with those limit values; or
- (ii) in relation to emission control and monitoring systems and devices, the date specified by a Community Directive specified in item 1 or 2 in the Table as that from which Member States are required to ensure that such equipment is fitted to that vehicle,

provided that, where a Community Directive specified in item 2 in the Table re-enacts a requirement imposed by a Community Directive that had been specified in that item immediately before 9th November 2006, the date as is specified shall be the date that had been specified by that previous Directive;”.

(4) After paragraph (8), the following sub-paragraph shall be added—

“(9) Regulation 4(2) does not apply to any requirement imposed on a vehicle by or under this Regulation.”.

(5) Item 2 in the Table in regulation 61A of the 1986 Regulations shall be replaced with the following—

“2.	2005/55/EC or ECE Regulation 49.02	2005/78/EC 2006/51/EC”.
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Amendment of Schedule 2

5. In columns 1, 2, 3(a), 3(b) and 3(c) and 3(d) of Table 1 in Schedule 2 to the 1986 Regulations, the following items shall be added after item 89—

“90.	2005/55	28.09.05	L275, 20.10.05, p1	The measures to be taken against the emission of gaseous and particulate	
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(a) S.I. 1998/2051, to which there are amendments not relevant to these Regulations.

				pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles	
91.	2005/78	14.11.05	L31, 29.11.05, p1	The measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles	2005/55
92.	2006/51	6.6.06	L152. 7.6.2006, p11	The measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles	2005/55, 2005/78”

Amendment of Schedule 7XA

6.—(1) Schedule 7XA to the 1986 Regulations shall be amended as follows.

(2) Sub-paragraph (4A) of paragraph 1 shall be replaced with the following—

“(4A) No provision of any Community Directive specified in an item numbered 1 or 2 in the Table in regulation 61A shall be deemed to be a design, construction or equipment requirement applying to, or to impose limit values in relation to, a vehicle by virtue of paragraphs (2) and (3) of regulation 61A, if the vehicle is—

- (a) a type approval end of series vehicle,
- (b) a non-type-approval end of series vehicle, or
- (c) a late entry into service vehicle,

in relation to such a provision, and the vehicle is first used before the first anniversary of the date as is specified (as defined in regulation 61A) by the relevant Community Directive in item 1 or 2 in the Table in regulation 61A.”.

(3) In paragraph 2(2)—

- (a) the words “or an item numbered 1 or 2 in the Table in regulation 61A” shall be replaced with “or any provision of any Community Directive specified in item 1 or 2 in the Table in regulation 61A”;
- (b) the words “or, in relation to item 1 or 2 of the Table in regulation 61A, on the date as is specified (as defined in regulation 61A) by the relevant Community Directive” shall be replaced with “or, in relation to any provision of any Community Directive specified in item 1 or 2 in the Table in regulation 61A, on the date as is specified (as defined in regulation 61A) by the relevant Community Directive”;
- (c) at the end of paragraph 2(2), the words “or in relation to item 1 or 2 of regulation 61A, the date as is specified by the relevant Community Directive” shall be replaced with “or in relation to any provision of any Community Directive specified in item 1 or 2 in the Table in regulation 61A, the date as is specified by the relevant Community Directive”;
- (d) the word “or” after paragraph (a) shall be omitted;
- (e) after paragraph (b), the following shall be inserted—
 - “or
 - (c) by virtue of regulations 12 and 13 of, and Schedule 2 to, the EC Whole Vehicle Type Approval Regulations,”; and
- (f) after paragraph (c) (as inserted by this regulation), the words “both of which Schedules” shall be replaced with “which”.

(4) After sub-paragraph (2) of paragraph 2, the following sub-paragraph shall be inserted—

“(2A) For the purposes of paragraph 1, a vehicle is a type-approval end of series vehicle in relation to an item in the Table in regulation 55A, or in Table II in regulation 61, or any provision in any Community Directive specified in item 1 or 2 in the Table in regulation 61A, if it has been exempted from that item or provision under—

- (a) the laws of a relevant State (as defined by paragraph 5(1)(c)) other than the United Kingdom, or
 - (b) the laws applicable in Northern Ireland,
- pursuant to Article 8(2)(b) of the Framework Directive.”.

(5) Sub-paragraph (1) of paragraph 7 shall be replaced with the following—

“(1) For the purposes of paragraph 1, a vehicle is a non-type approval end of series vehicle in relation to an item or provision if it meets the requirements of sub-paragraph (2) in relation to the item or provision.”.

(6) In sub-paragraph (2) of paragraph 7, the words from the beginning of the sub-paragraph to the word “if” shall be replaced with the following—

“(2) A vehicle meets the requirements of this sub-paragraph in relation to an item or provision if—”.

(7) In paragraph 7(2)(a), after the words “nor the Type Approval for Goods Vehicles Regulations”, there shall be inserted “nor the EC Whole Vehicle Type Approval Regulations”.

(8) In paragraph 7(2)(e)(ii), the words from “or in relation to” to the end shall be replaced with “or in relation to any provision of any Community Directive specified in item 1 or 2 in the Table in regulation 61A, on the date as is specified (as defined in regulation 61A) by the relevant Community Directive, is less than the specified number, or 100, whichever is the greater.”.

(9) In paragraph 8, after the words “and a particular item”, there shall be inserted “, or provision”.

(10) Sub-paragraph (b) of paragraph 8 shall be replaced with the following—

“(b) is a “vehicle” within the meaning of Community Directive 70/220 (as amended by Community Directive 83/351) or Community Directive 2005/55 (as amended by Community Directives 2005/78 and 2006/51);”.

(11) In paragraph 9(1), after the words “and a particular item”, there shall be inserted “or provision” and for “10%” there shall be substituted “30%”.

(12) In paragraph 9(1)(a), after the words “nor the Type Approval for Goods Vehicles Regulations”, there shall be inserted “nor the EC Whole Vehicle Type Approval Regulations”.

(13) Paragraph 9(2)(a) shall be replaced with the following—

“(a) is a “vehicle” within the meaning of Community Directive 70/220 (as amended by Community Directive 83/351) or Community Directive 2005/55 (as amended by Community Directives 2005/78 and 2006/51);”.

(14) In paragraph 9(2)(c), after the words “or, in relation to”, there shall be inserted “any provision of any Community Directive specified in”.

(15) In paragraph 11(c), after the words “in relation to”, there shall be inserted “any provision of any Community Directive specified in”.

(16) In paragraph 12, after the words “in relation to an item”, there shall be inserted “or provision”.

(17) In paragraph 12(b), after the words “or, in relation to”, there shall be inserted “any provision of any Community Directive specified in”.

Amendment of the Type Approval for Goods Vehicles Regulations

7.—(1) Schedule 1C Part II (meaning of “type approval end of series vehicle”) to the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982(a) shall be amended as follows.

(2) In paragraph 2(2)(e) for “50” there shall be substituted “100”.

(3) In paragraph 4(1), for “10%” there shall be substituted “30%” and for “those Regulations” there shall be substituted “these Regulations”.

Signed by the authority of the Secretary of State for Transport

21st September 2006

S.J. Ladyman
Minister of State
Department for Transport

(a) S.I. 1982/1271; relevant amending instruments are S.I. 1996/2331 and 2003/1866.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Construction and Use) Regulations 1986 (“the Construction and Use Regulations”) to incorporate the requirements of Directives 2005/55/EC(a) and 2005/78/EC(b), as amended by Directive 2006/51/EC(c), on vehicle emissions into the domestic requirements concerning the design, construction, equipment and use of vehicles. They also amend the provisions relating to emissions requirements for end-of-series vehicles to ensure that European law is fully implemented. Finally, they align the calculation of the maximum number of vehicles that may enter into service under the emissions end-of-series provisions, both in the Construction and Use Regulations and under the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) 1982 (“the Type Approval for Goods Vehicles Regulations”), with that used in European law, and, in particular, Directive 70/156/EEC(d).

Regulation 4(5) replaces the reference to the Directives previously listed in item 2 in the Table in regulation 61A of the Construction and Use Regulations with a reference to Directives 2005/55/EC, 2005/78/EC and 2006/51, in order to implement these Directives. *Regulations 6(10) and 6(13)* make the same substitutions with respect to the definition of “vehicle” for the purposes of the meaning of “non-type approval end-of-series vehicles” (Part III of Schedule 7XA to the Construction and Use Regulations). Under *regulation 1(2)*, these substitutions take place only from 9th November 2006, which is the date from which these Directives must be implemented by Member States, and from which the Directives previously specified in item 2 are repealed. The proviso at the end of *regulation 4(3)* reflects the fact that the Directives not only impose new requirements, but also consolidate others, and ensures that, when a requirement is re-enacted, the “date as is specified” in relation to that requirement remains unchanged.

Regulations 4 and 6 amend regulation 61A and Schedule 7XA, to take into account the fact that some Directives specify more than one stage of emission limit values (or other requirements). These amendments ensure that an end-of-series vehicle can be exempted from one stage only. When this happens, the vehicle will still need to comply with the requirements of the previous stage of the same directive, or, if it is exempted from the first stage of a directive, the requirements of the previous directive (if any). Finally, *regulation 6(4)* ensures that end-of-series exemptions granted in other Member States and in Northern Ireland are recognised in Great Britain.

Regulations 3 and 6(3)(e) ensure that end-of-series vehicles under the Motor Vehicles (EC Type Approval) Regulations 1998 are covered by the exemptions in regulation 61A(7) of, and Schedule 7XA to, the Construction and Use Regulations.

For vehicles not subject to type approval, the maximum number of vehicles that could enter into service under the Construction and Use Regulations was either 10% of the vehicles registered by the manufacturer in the 12 months before the date when the new set of requirements came into effect, or 50, whichever was the greater. *Regulation 6(8)* increases the latter number to 100 and *regulation 6(11)* increases the percentage to 30%.

For vehicles subject to the Type Approval for Goods Vehicles Regulations, *regulation 7* increases the maximum number of vehicles which may be regarded as end of series vehicles to 30% of those registered in the 12 months before the date when the new set of requirements came into effect, or 100, whichever is the greater.

A regulatory impact assessment of the effect that this instrument will have on the costs of business is available from Tony Baker at the Department for Transport (tel: 020 7944 2063 or e-mail: tonyt.baker@dft.gsi.gov.uk), or from the website of the Office of Public Sector Information (www.opsi.gov.uk). A transposition note is also available from the same sources.

(a) OJ No. L275, 20.10.2005, p.1.
(b) OJ No. L313, 29.11.2005, p.1.
(c) OJ No. L152, 7.6.2006, p.11.
(d) OJ No. L042, 23.2.1970, p.1.

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(Amendment) Regulations 2006**

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