

2007 No. 2553

ROAD TRAFFIC

**The Road Vehicles (Registration and Licensing) (Amendment)
(No. 3) Regulations 2007**

<i>Made</i> - - - -	<i>1st September 2007</i>
<i>Laid before Parliament</i>	<i>6th September 2007</i>
<i>Coming into force</i> - -	<i>1st October 2007</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 57(1) and (2) and 61B of the Vehicle Excise and Registration Act 1994(a).

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) (No. 3) Regulations 2007 and shall come into force on 1st October 2007.

Amendment of regulations

2. Schedule 2 (reduced pollution certificates and the reduced pollution requirements) to the Road Vehicles (Registration and Licensing) Regulations 2002(b) shall be amended in accordance with the following regulations.

3. In paragraph 1 (interpretation of Schedule) in sub-paragraph (1)—

(a) after the definition of “authorised examiner” there shall be inserted—

““diesel engine” has the same meaning as that expression bears in section 2.1 of Annex I to Directive 2005/55/EC;”;

(b) after the definition of “Directive 1999/96” there shall be inserted—

““Directive 2005/55/EC” means Directive 2005/55/EC of the European Parliament and of the Council of 28th September 2005 on the approximation of the laws of the Member States relating to 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(c);

“Directive 2005/78/EC” means Commission Directive 2005/78/EC of 14th November 2005 of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles

(a) 1994 c.22; section 61B was amended by the Finance Act 2006 (c.25), section 14.

(b) S.I. 2002/2742; relevant amending instruments are S.I. 2004/1872, 2006/2320, 2007/498.

(c) OJ No.L 275, 20.10.2005, p.1, as last amended by Commission Directive 2006/51/EC, OJ No. L152, 7.6.2006, p.11.

and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Annexes I, II, III, IV and VI thereto(a);”;

- (c) after the definition of “eligible vehicle” there shall be inserted—
““gas engine” has the same meaning as that expression bears in section 2.1 of Annex I to Directive 2005/55/EC;
“limit value” has the same meaning as in Directive 2005/55/EC;” and
- (d) for the definition of “prescribed adaptation” there shall be substituted—
““prescribed adaptation” means an adaptation of a description specified in paragraph 4(2) or 4A(b)(ii)”.

4. In paragraph 3 (reduced pollution examinations)—

- (a) in sub-paragraph (2) after paragraph (c) there shall be inserted—
“(cc) a reduced pollution certificate has previously been issued in respect of the vehicle and the last such certificate issued is not surrendered;” and
- (b) in sub-paragraph (3) paragraph (f) for “the prescribed adaptation” there shall be substituted “any prescribed adaptation”.

5. After paragraph 3 there shall be inserted—

“The reduced pollution requirements

3A. An eligible vehicle satisfies the reduced pollution requirements for the purposes of the 1994 Act at any time if paragraph 4 or 4A applies to it.”.

6. In paragraph 4 (the reduced pollution requirements)—

- (a) the heading shall be omitted; and
- (b) for sub-paragraph (1) there shall be substituted—
“(1) This paragraph applies to an eligible vehicle where, as a result of an adaptation of a description specified in paragraph (2) having been made to it after 17th March 1998, it satisfies the reduced pollution requirements in accordance with sub-paragraph (3) or (4).”;
and
- (c) in sub-paragraph (2) for “A prescribed adaptation is—” there shall be substituted “The adaptation referred to in sub-paragraph (1) is—”.

7. After paragraph 4 there shall be inserted—

“4A. This paragraph applies to an eligible vehicle which—

- (a) is registered before 1st October 2009; and
- (b) complies with the requirements of paragraph 4B as a result of—
(i) its design, construction or equipment as manufactured; or
(ii) an adaptation made to the vehicle after 30th September 2006 which—
(aa) affects the durability or in-service conformity of the engine control system,
(bb) affects or introduces an on-board diagnostic system,
(cc) affects or introduces a sensor for the detection of oxides of nitrogen, or
(dd) otherwise concerns the system for controlling or managing the emissions of the vehicle.

4B. The requirements of this paragraph, in relation to an eligible vehicle, are that—

(a) OJ No.L 313, 29.11.2005, p.1, as last amended by Commission Directive 2006/81/EC, OJ No. L362, 20.12.06, p.92.

- (a) the vehicle complies with the limit values in section 6.2.1 of Annex I to Directive 2005/55/EC in accordance with that Directive and as set out—
 - (i) in the case of a vehicle propelled by a diesel engine, in row B2 of table 1 and row B2 of table 2 of the Directive; and
 - (ii) in the case of a vehicle propelled by a gas engine, in row B2 of table 2 of the Directive;
- (b) an on-board diagnostic system as described in Article 4(2) of Directive 2005/55/EC is fitted to the vehicle in accordance with the requirements of Annex IV to Directive 2005/78/EC; and
- (c) the vehicle meets the requirements of section 6.5 of Annex 1 to Directive 2005/55/EC.”.

8. In paragraph 6 (contents of a reduced pollution certificate)—

- (a) in sub-paragraph (e) for “the prescribed adaptation” there shall be substituted “any prescribed adaptation”; and
- (b) for sub-paragraph (f) there shall be substituted—
 - “(f) the emission standard with which the vehicle complies;”.

Signed by authority of the Secretary of State

1st September 2007

Rosie Winterton
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 2 to the Road Vehicles (Registration and Licensing) Regulations 2002 (“the principal Regulations”) which contains provisions regarding reduced pollution certificates and the reduced pollution requirements.

Regulation 5 of the principal Regulations provides that the Secretary of State may require a reduced pollution certificate to be furnished before determining the rate of vehicle excise duty payable by an eligible vehicle. Eligible vehicles are those vehicles referred to in section 61B of the Vehicle Excise and Registration Act 1994 and include buses, goods vehicles and haulage vehicles and Schedule 2 to the principal Regulations provides for the issue of reduced pollution certificates to eligible vehicles which satisfy the reduced pollution requirements. If an eligible vehicle satisfies the reduced pollution requirements the rate of duty is lower than that for an eligible vehicle which does not satisfy those requirements.

The Regulations amend the principal Regulations so as to—

- (a) prescribe the requirements relating to a vehicle’s emissions which are to be satisfied by an eligible vehicle registered before 1st October 2009, in order for that vehicle to satisfy the reduced pollution requirements (*regulations 5 and 7*);
- (b) provide that an authorised examiner may refuse to carry out a reduced pollution examination if a reduced pollution certificate has previously been issued in respect of the vehicle and the last certificate issued is not surrendered (*regulation 4(a)*); and
- (c) provide for consequential amendments, including those to definitions (*regulations 3,4(b), 6 and 8*).

A full impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Department for Transport, Cleaner Fuels and Vehicles Division, Great Minster House, London SW1P 4DR (Telephone number 0207 9442509). The assessment may also be accessed by visiting the Department’s website (www.dft.gov.uk) or that of the Office of Public Sector Information (www.opsi.gov.uk).

Copies of the Directives referred to in the Regulations may be obtained from the Stationery Office (Telephone number 0870 6005522; website www.tso.co.uk/bookshop).

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.

E1326 9/2007 171326T 19585