

**EXPLANATORY MEMORANDUM TO**  
**THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT)**  
**REGULATIONS 2012**

**2012 No. 1404**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

These Regulations amend Schedule 7B to the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) to mandate the requirements relating to emissions which are contained in the 17<sup>th</sup> edition of the “In Service Exhaust Emission Standards for Road Vehicles” booklet (“the emissions publication”). This document has been updated on a regular basis since 1995 when Schedule 7B was introduced into the 1986 Regulations. It defines emissions limits to be met by cars and other light duty vehicles at MoT and roadside tests. The 17<sup>th</sup> edition of the emissions publication covers vehicles that have been newly introduced onto the UK market since the publication of the last edition.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Context**

4.1 These Regulations are made under powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988.

4.2 Regulation 61 of, and Schedule 7B to, the 1986 Regulations set emissions requirements for road vehicles. Test requirements are laid down in Schedule 7B which, for petrol vehicles fitted with catalytic converters on which information has been supplied by manufacturers, are those listed in the emissions publication. These are enforced at the annual MoT test and by means of random roadside tests.

4.3 A new edition of the emissions publication is published annually to include requirements for models which have come onto the market during the previous year. It also revises certain information on some existing models to reduce the risk of erroneous test failures.

5. **Territorial Extent and Application**

This instrument applies to Great Britain only.

6. **European Convention on Human Rights**

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 The majority of road vehicles are subject to a metered emissions check at the MoT test to ensure that they have been maintained to an appropriate standard and that their emissions are not excessive. The emissions publication lists the emissions requirements for models of petrol vehicles equipped with catalytic converters where such information is provided by the manufacturer. Where information on emissions requirements is not provided by the manufacturer, default limits specified in Schedule 7B of the 1986 Regulations apply.

7.2 The MoT emissions testing regime has been in place since 1992 and is well established. These Regulations introduce no new additional requirements and therefore public interest is likely to be minimal.

## **8. Consultation outcome**

8.1 The Department for Transport has consulted widely on the emissions aspect of the Regulations and the content of the emissions publication and no objections were raised. The organisations consulted have included, amongst others, transport interest groups, vehicle manufacturers/importers, professional or representative bodies and trade associations. The Cabinet Office agreed that public consultation on the amendments to the emissions publication could be reduced from the normal 12 week period to 6 weeks because of the close involvement of vehicle manufacturers in providing the data. At the consultation stage the Department contacted 465 organisations from which 10 replies were received.

8.2 Transport Scotland proposed that a requirement should be included in the Regulations for mandatory display of the height of all commercial vehicles over 2.5m high within the driving cab and clear marking of all trailers over 2.5m high on the trailer's exterior. It is already a legal requirement under regulation 10 of the 1986 Regulations that vehicles over 3 metres high should have their height displayed in the cab.

8.3 A Special Adviser to the National Council on Inland Transport suggested that a record should be kept of persons and vehicles stopped at the roadside for unsatisfactory levels of emissions. This is outside the MoT scheme; however, any vehicles inspected by the Vehicle and Operator Services Agency (VOSA) will be recorded on the roadside database.

8.4 Following a response expressing support for making all pre 1960 vehicles exempt from MoT testing, such an exemption for historic vehicles has recently been announced.

8.5 The Retail Motor Industry Federation (RMIF) requested that Vehicle Testing Stations no longer be required to purchase annual software updates for installation on their Exhaust Gas Analysers to update emissions limits. The Department's view is that

the analyser software should continue to be updated. The RMIF's comments about the potential risk of implementing two software updates in 2012 is noted and the timescale will be considered for production of the 18th edition.

8.6 Other consultees either welcomed the proposals or confirmed receipt of the documents.

## **9. Guidance**

9.1 In respect of the emissions publication, guidance is set out in the form of a letter to vehicle manufacturers requesting the provision of information on in-service emissions limit values and new model types in their product range for passenger cars, large passenger cars, light goods vehicles or multi-purpose vehicles. An Annex to the letter sets out in detail what is required and explains how to determine which model types to include in their submission and how the vehicles will be tested. A pro-forma is also attached to supply the data to the Vehicle Certification Agency (VCA).

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument

## **11. Regulating small business**

The instrument applies to small business. No additional financial impacts for small business are envisaged as a result of this instrument.

## **12. Monitoring & review**

The Department for Transport liaises regularly with VOSA and VCA on the operation of the emissions requirements in relation to MoT and roadside testing.

## **13. Contact**

Dwight Lobban at the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR Tel: 020 7944 2097 or email: [dwight.lobban@dft.gsi.gov.uk](mailto:dwight.lobban@dft.gsi.gov.uk) for any queries regarding the Road Vehicles (Construction and Use) Regulations 1986.