
STATUTORY INSTRUMENTS

1992 No. 422

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 2) Regulations 1992**

<i>Made</i>	- - - -	<i>2nd March 1992</i>
<i>Laid before Parliament</i>		<i>3rd March 1992</i>
<i>Coming into force</i>		
<i>For the purposes of regulation 8</i>		<i>1st August 1993</i>
<i>For all other purposes</i>		<i>1st August 1992</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⁾ as read with section 43 of that Act, after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:

PART I
GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1992.

(2) These Regulations shall come into force for the purposes of regulation 8 on 1st August 1993 and for all other purposes on 1st August 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.

(1) 1988 c. 52; section 41 is prospectively amended by paragraph 50 of Schedule 4 to the Road Traffic Act 1991 (c. 40). Paragraph 50 comes into force on 1st April 1992 by virtue of S.I.1992/421.
(2) S.I. 1986/1078; relevant amending instruments are 1988/271 and 1524, and 1991/1527.

- (2) The Secretary of State is satisfied that—
- (a) it is requisite that the provisions of regulations 3 to 7 shall apply as from 1st August 1992 and of regulation 8 as from 1st August 1993 (being provisions which vary the requirements as regards the construction of certain classes of vehicles) 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.

PART II

AMENDMENTS WHICH COME INTO FORCE ON 1ST AUGUST 1992

Amendments to Regulation 36A (speed limiters for coaches)

- 3.—(1) Regulation 36A shall be amended as follows.
- (2) In paragraph (3)(c), after “be sealed” there shall be inserted “by an authorised sealer”.
 - (3) After paragraph (3), there shall be inserted the following paragraph—
 - “(3A) Paragraph (3)(c) shall have effect in relation to—
 - (a) a speed limiter fitted before 1st August 1992 to a vehicle first used before that date,
 - (b) a speed limiter sealed outside the United Kingdom, “by an authorised sealer” were omitted”.
 - (4) In paragraph (5), before the definition of “Part I of the British Standard” there shall be inserted the following definition—
 - ““authorised sealer” has the meaning given in Schedule 3B to these Regulations.”

Amendments to Regulation 36B (speed limiters for goods vehicles)

- 4.—(1) Regulation 36B shall be amended as follows.
- (2) In paragraph (3)(c), after “be sealed” there shall be inserted “by an authorised sealer”.
 - (3) After paragraph (3), there shall be inserted the following paragraph—
 - “(3A) Paragraph (3)(c) shall have effect in relation to—
 - (a) a speed limiter fitted before 1st August 1992 to a vehicle first used before that date,
 - (b) a speed limiter sealed outside the United Kingdom, “by an authorised sealer” were omitted”.
 - (4) In paragraph (7), before the words “Part I of the British Standard” there shall be inserted the words “authorised sealer”.

Speed limiters — authorised sealers

- 5.—(1) After Regulation 36B, there shall be inserted the following—

“Speed limiters — authorised sealers

36C. Schedule 3B (authorised sealers) shall have effect.”

(2) After Schedule 3A there shall be inserted the Schedule set out in the Schedule to these Regulations.

Amendments to Regulation 70A (speed limiter plates for coaches)

6.—(1) Regulation 70A shall be amended as follows.

(2) In paragraphs (2) and (4) after the word “plate” there shall be inserted “which has been supplied by the authorised sealer who sealed the speedlimiter and”.

(3) After paragraph (4), there shall be inserted the following paragraph—

“(4A) Paragraphs (2) and (4) shall have effect, in relation to a vehicle which is not required to be fitted with a speed limiter which has been sealed by an authorised sealer, as if the words “which has been supplied by the authorised sealer who sealed the speedlimiter and” had been omitted.”.

Amendment to Regulation 70B (speed limiter plates for goods vehicles)

7.—(1) Regulation 70B shall be amended as follows.

(2) In paragraph (1), the words “which complies with” to the end shall be omitted.

(3) In paragraph (2), after the word “plate” there shall be inserted “which has been supplied by the authorised sealer who sealed the speedlimiter and”.

(4) After paragraph (4), there shall be inserted the following paragraph—

“(4A) Paragraph (2) shall have effect, in relation to a vehicle which is not required to be fitted with a speed limiter which has been sealed by an authorised sealer, as if the words “which has been supplied by the authorised sealer who sealed the speedlimiter and” had been omitted.”

PART III

AMENDMENTS WHICH COME INTO FORCE ON 1ST AUGUST 1993

Amendment to regulation 36B (speed limiters for goods vehicles)

8. Regulation 36B shall be amended as follows—

(a) after paragraph (1), there shall be inserted the following paragraph—

“(1A) Subject to paragraph (6), this regulation also applies to every motor vehicle which—

(a) is a goods vehicle;

(b) has a maximum gross weight exceeding 16,000kg;

(c) is either—

(i) a vehicle that is constructed or adapted to form part of an articulated vehicle, or

(ii) a rigid vehicle that is constructed or adapted to draw a trailer and has a maximum gross trailer weight which exceeds 5,000kg;

(d) is first used on or after 1st January 1988; and

- (e) has, or if a speed limiter were not fitted to it would have, a relevant speed exceeding 60mph.”; and
- (b) after paragraph (7), there shall be inserted the following paragraph—
 - “(8) For the purposes of this regulation, a motor vehicle has a maximum gross trailer weight exceeding 5,000kg if—
 - (a) in the case of a vehicle equipped with a Ministry plate in accordance with regulation 70, the difference between its maximum gross weight and the relevant train weight exceeds 5,000kg;
 - (b) in the case of a vehicle not equipped with a Ministry plate, but which is equipped with a plate in accordance with regulation 66, the difference between its maximum gross weight and the weight shown on the plate in respect of item 8 of Part I of Schedule 8 exceeds 5,000kg; and
 - (c) in the case of any other vehicle, the vehicle is designed or adapted to be capable of drawing a trailer with a laden weight exceeding 5,000kg when travelling on a road;

and in sub-paragraph (a) “the relevant train weight” is the train weight shown in column (3) of the plate or, if no such weight is shown, the train weight shown in column (2) of the plate (where the plate is in the form required by Schedule 10) or in column (4) of the plate (where the plate is in the form required by Schedule 10A).”

Signed by Authority of the Secretary of State for Transport

2nd March 1992

Christopher Chope
Parliamentary Under Secretary of State,
Department of Transport

THE SCHEDULE

Regulation 5(2)

“SCHEDULE 3B

Regulation 36C

AUTHORISED SEALERS

PART I

general

1. The Secretary of State may authorise—
 - (a) an individual proposing to seal speed limiters other than on behalf of another person;
 - (b) a firm; or
 - (c) a corporation; and a person or body so authorised is referred to in this Schedule as an “authorised sealer”.
2. An authorised sealer shall comply with the conditions set out in Part II of this Schedule and with such other conditions as may from time to time be imposed by the Secretary of State.
3. An authorised sealer may charge for sealing a speed limiter.
4. The Secretary of State may at any time withdraw an authorisation granted under this Schedule.
- 5.—(1) An authorisation under this Schedule in respect of an individual shall terminate if—
 - (a) he dies;
 - (b) is adjudged bankrupt or, in Scotland, has his estate sequestrated; or
 - (c) becomes a patient within the meaning of Part VII of the Mental Health Act 1983(4) or, in Scotland, becomes incapable of managing his own affairs.(2) An authorisation under this Schedule in respect of a firm shall terminate if the firm is dissolved or if all the partners are adjudged bankrupt.
- (3) An authorisation under this Schedule in respect of a company shall terminate if—
 - (a) the company goes into liquidation or an administration order is made in relation to it;
 - (b) a receiver or manager of the trade or business of the company is appointed; or
 - (c) possession is taken by or on behalf of the holders of any debenture secured by a floating charge, or any property of the company comprised in or subject to the charge, occurs.

PART II

the conditions

6. An authorised sealer shall not—
 - (a) seal a speed limiter fitted to a vehicle to which regulation 36A applies unless he is satisfied that the speed limiter fulfils the requirements of paragraph (3)(a), (b) and (d) of that regulation, or
 - (b) seal a speed limiter fitted to a vehicle to which regulation 36B applies unless he is satisfied that the speed limiter fulfils the requirements of paragraph (3)(a), (b) and (d) of that regulation.

(4) 1983 c. 20.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

7. When sealing a speed limiter fitted to a vehicle to which regulation 36A applies, an authorised sealer shall do so in such a manner that the speed limiter fulfils the requirements of paragraph (3) (c) of that regulation.

8. When sealing a speed limiter fitted to a vehicle to which regulation 36B applies, an authorised sealer shall do so in such a manner that the speed limiter fulfils the requirements of paragraph (3) (c) of that regulation.

9. When an authorised sealer has sealed a speed limiter fitted to a vehicle to which section 36A applies he shall supply the owner with a plate which fulfils the requirements of regulation 70A.

10. When an authorised sealer has sealed a speed limiter fitted to a vehicle to which section 36B applies he shall supply the owner with a plate which fulfils the requirements of regulation 70B”

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 36A of the 1986 Regulations made provision for certain goods vehicles first used on or after 1st August 1992 to be fitted with speed limiters. These Regulations extend that regulation so that it applies to certain goods vehicles first used on or after 1st January 1988 and which would otherwise have a maximum speed exceeding 60 mph.

The vehicles which are affected by the amendment are motor vehicles which have a maximum gross weight exceeding 16 tonnes and—

- (a) are constructed to form part of an articulated vehicle; or
- (b) can lawfully tow a trailer with a laden weight exceeding 5 tonnes.

The Regulations also amend the 1986 Regulations so as to require speed limiters fitted on or after 1st August 1992 to be sealed by authorised sealers. Provision is made for the authorisation of sealers by the Secretary of State.