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STATUTORY INSTRUMENTS

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**1993 No. 3048**

**ROAD TRAFFIC**

**The Road Vehicles (Construction and Use)  
(Amendment) (No. 3) Regulations 1993**

*Made - - - - 6th December 1993*  
*Laid before Parliament 10th December 1993*  
*Coming into force - - 1st January 1994*

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<sup>(1)</sup>, and being a Minister designated<sup>(2)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(3)</sup> in relation to the regulation of the construction and equipment of vehicles and of components of vehicles, in exercise of the powers conferred by that section and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of the 1988 Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No.3) Regulations 1993 and shall come into force on 1st January 1994.

**Preliminary**

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986<sup>(4)</sup> shall be further amended in accordance with the following provisions of these Regulations.

(2) In so far as these Regulations are made under section 2(2) of the European Communities Act 1972, section 42 of the Road Traffic Act 1988 shall have effect in relation thereto as if they had been made under section 41 of that Act.

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(1) 1988 c. 52; section 41 was amended by paragraph 50 of Schedule 4 to the Road Traffic Act 1991 (c. 40) and by Schedule 8 to that Act.  
(2) S.I. 1972/1811.  
(3) 1972 c. 68.  
(4) 1986/1078; relevant amending instruments are S.I.1988/271 and 1524, 1991/1527, and 1992/442 and 1946.

### **Amendments**

3.—(1) For regulations 36A and 36B, there shall be substituted the regulations set out in Part I of the Schedule to these Regulations.

(2) For regulation 70A, there shall be substituted the regulation set out in Part II of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Transport.

Department of Transport  
6th December 1993

*Robert Key*  
Parliamentary Under Secretary of State,

THE SCHEDULE

Regulation 3

REGULATIONS SUBSTITUTED FOR REGULATIONS 36A, 36B and 70A OF  
THE ROAD VEHICLES (CONSTRUCTION AND USE) REGULATIONS 1986

PART I

**36A.**—(1) Subject to paragraph (13), this regulation applies to every coach which—

- (a) was first used on or after 1st April 1974 and before 1st January 1988; and
- (b) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 70 mph; and a reference to this regulation to a paragraph (1) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(2) Subject to paragraph (13), this regulation also applies to every bus which—

- (a) is first used on or after 1st January 1988;
- (b) has a maximum gross weight exceeding 7.5 tonnes; and
- (c) has, or if a speed limiter were not fitted to it would have, a maximum speed exceeding 65 mph; and a reference in this regulation to a paragraph (2) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(3) Until 1st January 1996, in relation to vehicles used exclusively for transport operations in the United Kingdom or until 1st January 1995 in relation to any other vehicles, paragraphs (1)(a) and (2)(a) shall have effect as if for the words “1st January 1988” there were substituted the words “1st January 1994”.

(4) Every vehicle to which this regulation applies shall be fitted with a speed limiter in respect of which such of the requirements of paragraphs

(5) to (9) are met as apply to that speed limiter.

(5) Subject to paragraph (10), the requirements of this paragraph are that a speed limiter fitted to any vehicle must—

- (a) be sealed by an authorised sealer in such a manner as to protect the limiter against any improper interference or adjustment and against any interruption of its power supply; and
- (b) be maintained in good and efficient working order.

(6) The requirements of this paragraph are that a speed limiter fitted to a paragraph (1) vehicle must be calibrated to a set speed not exceeding 70 mph.

(7) The requirements of this paragraph are that a speed limiter fitted to a paragraph (2) vehicle must be so adjusted that the stabilised speed of the vehicle does not exceed 65 mph.

(8) Subject to paragraphs (11) and (12), the requirements of this paragraph are that a speed limiter fitted at any time to any paragraph (1) vehicle or a speed limiter fitted before 1st October 1994 to a paragraph

(2) vehicle first used before that date must comply with—

- (a) Part 1 of the British Standard; or
- (b) the Annexes to Community Directive 92/24(5).

(9) The requirements of this paragraph are that a speed limiter (not being a speed limiter to which paragraph (8) applies) fitted to a paragraph

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(5) “Community Directive” is defined in regulation 3(2) of, and Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986. Relevant amendments to that Schedule were made by S.I.1993/1946.

(2) vehicle must comply with the Annexes to Community Directive 92/24.

(10) Paragraph (5)(a) shall have effect in relation to—

- (a) a speed limiter fitted before 1st August 1992 to a vehicle first used before that date; or
- (b) a speed limiter sealed outside the United Kingdom, as if the words “by an authorised sealer” were omitted. (11) Paragraph (8) does not apply to a speed limiter fitted before 1st October 1988. (12) Paragraph (8) does not apply to a speed limiter fitted to a vehicle if the speed limiter complies with an equivalent standard. (13) This regulation does not apply to a vehicle—
  - (a) being taken to a place where a speed limiter is to be installed, calibrated, repaired or replaced; or
  - (b) completing a journey in the course of which the speed limiter has accidentally ceased to function. (14) In this regulation “authorised sealer” has the meaning given in Schedule 3B; “equivalent standard” means—
    - (a) a standard or code of practice of a national standards body or equivalent body of any member State;
    - (b) any international standard recognised for use as a standard by any member State; or
    - (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any member State, where the standard, code of practice, international standard or technical specification provides, in relation to speed limiters, a level of speed control equivalent to that provided by Part 1 of the British Standard. “Part 1 of the British Standard” means the British Standard for Maximum Road Speed Limiters for Motor Vehicles which was published by the British Standards Institution under the number BS AU 217: Part 1: 1987 and which came into effect on 29th May 1987; as amended by Amendment Slip No.1 under the number AMD 5969 which was published and came into effect on 30th June 1988; “set speed”, in relation to a calibrated speed limiter fitted to a vehicle, means the speed intended by the person who calibrated the speed limiter to be the mean speed of the vehicle when operating in a stabilised condition; “speed limiter” means a device designed to limit the maximum speed of a motor vehicle by controlling the power output from the engine of the vehicle. “stabilised speed” means the mean speed of a vehicle when its speed is under the control of a speed limiter and stable speed control has been achieved.

**36B.**—(1) Subject to paragraphs (5) and (14), this regulation applies to every motor vehicle which—

- (a) is a goods vehicle;
- (b) has a maximum gross weight exceeding 7,500 kg but not exceeding 12,000 kg;
- (c) is first used on or after 1st August 1992; and
- (d) has, or if a speed limiter were not fitted to it would have, a relevant speed exceeding 60 mph; and a reference in this regulation to a paragraph (1) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

(2) Subject to paragraphs (5) and (14), this regulation also applies to every vehicle which—

- (a) is a goods vehicle;
- (b) has a maximum gross weight exceeding 12,000 kg;
- (c) is first used on or after 1st January 1988; and
- (d) has, or if a speed limiter were not fitted to it would have, a relevant speed exceeding 56 mph; and a reference in this regulation to a paragraph (2) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.

- (3) Subject to paragraph (14), this regulation also applies—
- (a) until 1st January 1995, to every motor vehicle (not being a vehicle which is used exclusively for transport operations within the United Kingdom) which satisfies the requirements of paragraph (4); and
  - (b) until 1st January 1996, to every motor vehicle which is used exclusively for transport operations within the United Kingdom and satisfies the requirements of that paragraph; and a reference in this regulation to a paragraph (3) vehicle is a reference to a vehicle to which this regulation applies by virtue of this paragraph.
- (4) A vehicle satisfies the requirements of this paragraph if it—
- (a) is a goods vehicle;
  - (b) has a maximum gross weight exceeding 16,000 kg;
  - (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, 5,000 kg;
  - (d) is first used on or after 1st January 1988 and before 1st August 1992; and
  - (e) has, or if a speed limiter were not fitted to it would have, a relevant speed exceeding 60 mph.
- (5) Until 1st January 1996, in relation to vehicles used exclusively for transport operations in the United Kingdom, or 1st January 1995, in relation to other vehicles,—
- (a) paragraph (1) shall have effect as if for sub-paragraph (b) there were substituted the following sub-paragraph—
    - “(b) is either—
      - (i) a vehicle which is first used before 1st January 1994 and has a maximum gross weight exceeding 7,500 kg; or
      - (ii) a vehicle which is first used on or after that date and has a maximum gross weight exceeding 7,500 kg but not exceeding 12,000 kg;”;
  - (b) paragraph (2) shall have effect as if for the words “1st January 1988” there were substituted the words “1st January 1994”.
- (6) Every vehicle to which this regulation applies shall be fitted with a speed limiter in respect of which such of the requirements of paragraphs
- (7) to (11) are met as apply to that speed limiter.
- (7) Subject to paragraph (12), the requirements of this paragraph are that a speed limiter fitted to any vehicle must—
- (a) be sealed by an authorised sealer in such a manner as to protect the limiter against any improper interference or adjustment or against any interruption of its power supply; and
  - (b) be maintained in good and efficient working order.
- (8) The requirements of this paragraph are that a speed limiter fitted to a paragraph (1) vehicle or a paragraph (3) vehicle must be calibrated to a set speed not exceeding 60 mph.
- (9) The requirements of this paragraph are that a speed limiter fitted to a paragraph (2) vehicle must be so adjusted that the stabilised speed of the vehicle does not exceed 56 mph.
- (10) Subject to paragraph (13), the requirements of this paragraph are that a speed limiter fitted at any time to a paragraph (1) vehicle, a speed limiter fitted before 1st October 1994 to a paragraph (2) vehicle first used before that date or a speed limiter fitted at any time to a paragraph

- (3) vehicle must comply with—
- (a) Part 1 of the British Standard; or
  - (b) the Annexes to Community Directive 92/24. (11) The requirements of this paragraph are that a speed limiter (not being a speed limiter to which paragraph (10) applies) fitted to a paragraph (2) vehicle must comply with the Annexes to Community Directive 92/24. (12) Paragraph (7)(a) shall have effect in relation to—
    - (a) a speed limiter fitted before 1st August 1992 to a vehicle first used before that date; or
    - (b) a speed limiter sealed outside the United Kingdom, as if the words “by an authorised sealer” were omitted. (13) Paragraph (10) does not apply to a speed limiter fitted to a vehicle if the speed limiter complies with an equivalent standard. (14) This regulation does not apply to a vehicle—
      - (a) which is being taken to a place where a speed limiter is to be installed, calibrated, repaired or replaced;
      - (b) which is completing a journey in the course of which the speed limiter has accidentally ceased to function;
      - (c) is owned by the Secretary of State for Defence and used for naval, military or air force purposes;
      - (d) is used for naval, military or air force purposes while being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown;
      - (e) while it is being used for fire brigade, ambulance or police purposes; or
      - (f) if and so long as it is exempt from vehicle excise duty by section 7(1) of the Vehicles (Excise) Act 1971. (15) In this regulation “equivalent standard”, “Part 1 of the British Standard”, “set speed”, “speed limiter” and “stabilised speed” have the same meanings as in regulation 36A; and “relevant speed” means a speed which a vehicle is incapable, by means of its construction, of exceeding on the level under its own power when unladen. (16) For the purposes of this regulation, a motor vehicle has a maximum gross trailer weight exceeding 5,000 kg 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 5,000 kg;
        - (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 5,000 kg; 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 5,000 kg when travelling on a road; and in subparagraph (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).

## PART II

**70A.**—(1) This regulation applies to every vehicle to which regulation 36A or 36B applies and which is fitted with a speed limiter.

(2) Every vehicle to which this regulation applies shall be equipped with a plate which meets the requirements specified in paragraph (3).

(3) The requirements are that the plate is in conspicuous position in the driving compartment of the vehicle and is clearly and indelibly marked with the speed at which the speed limiter has been set.

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

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

S.I.1993/1946 amended the 1986 Regulations by substituting new regulations 36A, 36B and 70A. The new regulation 70A replaced the original regulations 70A and 70B. The instrument was, however, defective.

These Regulations re-enact the new regulations 36A, 36B and 70A in similar terms. The opportunity has been taken to make some minor drafting improvements. Paragraph (6) of regulation 36A has been modified to make it clear that a speed limiter meets the requirements of the paragraph if it calibrated to a set speed below 70 mph instead of at a set speed of 70 mph. The definition of “equivalent standard” has been widened.