
STATUTORY INSTRUMENTS

1994 No. 2192

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 3) Regulations 1994**

<i>Made</i>	- - - -	<i>20th August 1994</i>
<i>Laid before Parliament</i>		<i>30th August 1994</i>
<i>Coming into force</i>	- -	<i>1st October 1994</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⁾, and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

Commencement and citation

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

Preliminary

2. The Road Vehicles (Construction and Use) Regulations 1986⁽²⁾ shall be amended in accordance with the following provisions of these Regulations.

Amendments to regulation 61 (exhaust emissions)

3.—(1) Regulation 61 shall be amended as follows.

(2) In paragraph (7), after “(7D),” there shall be inserted “(7E), (7F), (7G), (7H),”.

(3) In paragraph (7D) (b)—

(a) after the words “is a vehicle” there shall be inserted the words “to which neither the Type Approval for Goods Vehicles Regulations⁽³⁾ nor the Type Approval (Great Britain) Regulations⁽⁴⁾ applies and”; and

(1) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(2) S.I. 1986/1078; relevant amending instruments are S.I. 1990/1131 and 2212, 1991/1526, 1992/2137, 2909 and 3285, and 1993/2199.
(3) “The Type Approval for Goods Vehicles Regulations” is defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as meaning “The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations [DET 7766]”

(b) sub-paragraph (i) shall be omitted.

(4) After paragraph (7D), there shall be inserted the following paragraphs—

“(7E) In relation to a vehicle to which either Part IV of Schedule 1B of the Type Approval (Great Britain) Regulations or Part IV of the Type Approval for Goods Vehicles Regulations applies, item 11 of Table II shall have effect as if for the entry in column (3) there were substituted “1st October 1995”.

(7F) In relation to a vehicle to which neither the Type Approval (Great Britain) Regulations nor the Type Approval for Goods Vehicles Regulations applies, and which was one among the first specified number of relevant vehicles to have been manufactured, item 11 of Table II shall have effect as if for the entry in column (3) there were substituted “1st October 1995”.

(7G) For the purposes of paragraph (7F) above, in relation to a vehicle (“the vehicle in question”),—

(a) “specified number” is 10 per cent. of the total number of vehicles to which neither the Type Approval (Great Britain) Regulations nor the Type Approval for Goods Vehicles Regulations applies that were both—

(i) manufactured by the manufacturer of the vehicle in question; and

(ii) registered under the Vehicles (Excise) Act 1971⁽⁵⁾ or the Vehicles Excise and Registration Act 1994⁽⁶⁾ during the period beginning with 1st October 1993 and ending with 30th September 1994;

or 50 whichever is the greater; and

(b) a “relevant vehicle” is a vehicle to which neither the Type Approval (Great Britain) Regulations nor the Type Approval for Goods Vehicles Regulations apply and which—

(i) was manufactured by the manufacturer of the vehicle in question on or after 1st August 1992 and before 1st August 1994;

(ii) was in the territory of an EEA State at some time before 1st October 1994;

(iii) was in existence on 1st October 1994; but

(iv) had not been registered under the Vehicles (Excise) Act 1971 or the Vehicles Excise and Registration Act 1994 before 1st October 1994.

(7H) In paragraph (7G) above—

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993, but until that Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein⁽⁷⁾.”

1982” (S.I.1982/1271). Relevant amendments were made to the 1982 Regulations by S.I. 1984/697, 1985/46, 1986/427 and 1089, 1987/1508, 1988/1523, 1989/1579, 1991/1021, 1992/25, 1342 and 3084, 1993/2200 and 1994/2191.

(4) “The Type Approval (Great Britain) Regulations” is defined in regulation 3(2) of The Road Vehicles (Construction and Use) Regulations 1986 as meaning “The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984” (S.I. 1984/981). Relevant amendments were made to the 1984 Regulations by S.I. 1984/1761, 1985/1651, 1987/1509, 1991/1022, 1992/2908, 1993/2201 and 1994/2190.

(5) 1971 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31) and was repealed by Schedule 5 to the Vehicles Excise and Registration Act 1994 (c. 22).

(6) 1994 c. 22.

(7) Cm 2073 and 2183.

Signed by authority of the Secretary of State for Transport

20th August 1994

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

S.I. [1993/2199](#) amended the 1986 Regulations by requiring certain classes of vehicle first used on or after 1st October 1994 to meet the exhaust emission requirements set by Council Directive [93/59/EEC](#).

S.I. [1993/2200](#) amended the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 (S.I. [1982/1271](#)) and S.I. [1993/2201](#) amended the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984 (S.I. [1984/981](#)) by imposing similar requirements as type approval requirements applicable to vehicles of the relevant classes as from 1st October 1994.

Both the 1982 Regulations and the 1984 Regulations were further amended by S.I. [1994/2191](#) and S.I. [1994/2190](#) respectively so as to exempt a limited class of vehicle from compulsory compliance with the new type approval requirements until 30th September 1995.

The effect of the amendments made by these Regulations is that—

- (a) vehicles which are exempt from the new compulsory type approval requirements until 1st October 1995 are also exempt from the equivalent requirements in the 1986 Regulations provided that they are first used on or before that date; and
- (b) in respect of a limited class of vehicle to which neither the 1982 Regulations nor the 1984 Regulations apply, compulsory compliance with the exhaust emission requirements set by Council Directive [93/59/EEC](#) is also postponed until 1st October 1995 provided that the vehicles are first used before that date.

A drafting change has been made to regulation 61(7D).

Copies of the EEC Directives which are relevant to these Regulations can be obtained from Her Majesty's Stationery Office. The details are set out below.

Principal Instrument	Relevant Amending Instrument
Council Directive 70/220/EEC of 20 March 1970 (OJ No. L76, 6.4.70, p.1-SE 1970 (I) p.171)	Council Directive 74/290/EEC of 28 May 1974 (OJ No. L159, 15.6.74, p.61)
	Commission Directive 77/102/EEC of 30 November 1976 (OJ No. L132, 3.2.77, p.32)
	Commission Directive 78/665/EEC of 14 July 1978 (OJ No. L223, 14.8.78, p.48)
	Council Directive 83/351/EEC of 16 June 1983 (OJ No. L197, 20.7.83, p.1)
	Council Directive 88/76/EEC of 3 December 1987 (OJ No. L36, 9.2.88, p. 1)
	Council Directive 88/436/EEC of 16 June 1988 (OJ No. L214, 6.8.88, p.1)

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

Principal Instrument	Relevant Amending Instrument
	Council Directive 89/458/EEC of 18 July 1989 (OJ No. L226, 3.8.89, p.1) to which there is a corrigendum in OJ No. L303, 8.11.88, p.36.
	Commission Directive 89/491/EEC of 17 July 1989 (OJ No. L238, 15.8.89, p.43)
Council Directive 91/441/EEC of 26 June 1991 (OJ No. L242, 30.8.91, p.1)	
	Council Directive 93/59/EEC of 28 June 1993 (OJ No. L186, 28.7.93, p.21).