
STATUTORY INSTRUMENTS

1996 No. 2329

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 5) Regulations 1996**

<i>Made</i>	- - - -	<i>9th September 1996</i>
<i>Laid before Parliament</i>		<i>10th September 1996</i>
<i>Coming into force</i>	- -	<i>1st October 1996</i>

The Secretary of State, 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.—(1) These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1996 and shall come into force on 1st October 1996.

(2) The Secretary of State is satisfied that—

- (a) it is requisite that the provisions of regulations 4, 5, 8 and 10 shall apply as from 1st October 1996 to vehicles registered under the Vehicle Excise and Registration Act 1994(2) before the expiration of one year from the making of these Regulations; and
- (b) notwithstanding that the said provisions would then apply to those vehicles, no undue hardship or inconvenience would be caused thereby.

Preliminary

2. The Road Vehicles (Construction and Use) Regulations 1986(3) shall be further amended in accordance with the following provisions of these Regulations.

Amendments to regulation 3 (interpretation)

3. In the Table in regulation 3(2)—

(1) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), para. 50 of Schedule 4 and Schedule 8.
(2) 1994 c. 22.
(3) S.I.1986/1078; relevant amending instruments are 1990/1131, 1991/1526, 1992/2137, 2909 and 3285, 1993/2199 and 1994/14 and 2192.

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- (a) after the definition of “the Act of Accession” there shall be inserted the following definition—

“agricultural or forestry tractor	an agricultural or forestry tractor within the meaning of Community Directive 82/890(4).”
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- (b) after the definition of “first used” there shall be inserted the following definition—

“Framework Directive	Council Directive 70/156/EEC(5) as amended by Council Directive 87/403/EEC(6), Council Directive 92/53/EEC(7) and Commission Directive 93/81(8).”
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Amendments to regulation 54 (silencers—general)

- 4.—(1) Regulation 54 shall be amended as follows.
- (2) In sub-paragraph (3)—
- (a) for “or 84/424” there shall be substituted “, 84/424 or 92/97 or ECE Regulation 51.02”; and
- (b) after “78/1015” there shall be inserted “, 87/56 or 89/235.”

Amendments to regulation 55 (noise limits—general)

- 5.—(1) Regulation 55 shall be amended as follows.
- (2) For the heading there shall be substituted—

“Noise limits—certain vehicles with 3 or more wheels—general”

- (3) In paragraph (1), for the words “paragraph (2)” there shall be substituted the words “paragraphs (1A) and (2)”.
- (4) After paragraph (1), there shall be inserted the following paragraph—
- “(1A) This regulation does not apply to a vehicle to which an item in the Table in regulation 55A applies.”.
- (5) After paragraph (6), there shall be inserted the following paragraph—
- “(6A) A vehicle shall be deemed to satisfy the requirements of this regulation if it is so constructed that it complies with the requirements specified in column 4 of item 2 in the Table in regulation 55A as they apply to a vehicle first used on or after the date specified in column 3 of that item.”.
- (6) In paragraph (7), for “or 84/424” there shall be substituted “, 84/424, 92/97 or 96/20 or ECE Regulation 51.02”.

New regulation 55A (noise limits—vehicles first used on or after 1st October 1996)

6. After regulation 55, there shall be inserted—

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- (4) “Community Directive” is defined in regulation 3(2) of, and Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986. Relevant amendments are made to Schedule 2 by regulation 5 of these Regulations.
- (5) OJ No. L42, 23.2.70, p.1.
- (6) OJ No. L220, 8.8.87, p.44.
- (7) OJ No. L225, 10.8.92, p.1.
- (8) OJ No. L264, 23.10.93, p.49.

“Noise limits—certain vehicles first used on or after 1st October 1996—general

55A.—(1) A motor vehicle to which an item in the Table below applies shall be so constructed that it meets the requirements specified in column 4 of that item; and an item in that Table applies to a vehicle if it is of the description specified in column 2 of that item.

This paragraph has effect subject to the following provisions of this regulation, regulation 59 and Schedule 7XA.

THE TABLE

(1) <i>Item</i>	(2) <i>Vehicles to which the item applies</i>	(3) <i>Earliest date of first use (see column 2)</i>	(4) <i>The requirements</i>	(5) <i>Modification of Community Directives in relation to special vehicles (See paragraph (4) (c))</i>
1	<p>1. All motor vehicles with less than 4 wheels and first used on or after the date specified in column 3 of this item.</p> <p>2. All special vehicles first used on or after the date specified in column 3 of this item.</p> <p>3. All motor vehicles first used on or after the date specified in column 3 of this item with a maximum speed not exceeding 25 km/h.</p>	1st October 1996	<p>The requirements of—</p> <p>(a) regulation 55 as they would apply to the vehicle but for paragraph (1A) of that regulation; or</p> <p>(b) paragraphs 3 and 5.2 of Annex I to Community Directive 92/97 or 96/20.</p>	<p>For paragraph 5.2.2.1 of Annex I, substitute—</p> <p>“The sound level measured in accordance with 5.2.2.2 to 5.2.2.5 of this Annex shall not exceed—</p> <p>(a) in the case of vehicles with engine power of less than 75 kW, 84 dB(A)</p> <p>(b) in the case of vehicles with engine power not less than 75 kW, 86 dB(A).”</p>

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(1) Item	(2) Vehicles to which the item applies	(3) Earliest date of first use (see column 2)	(4) The requirements	(5) Modification of Community Directives in relation to special vehicles (See paragraph (4) (c))
2	All motor vehicles first used on or after the date specified in column 3 of this item, not being a vehicle to which item 1 applies.	1st October 1996	The requirements of paragraphs 3 and 5 of Annex I to Community Directive 92/97 or 96/20.	

- (2) Paragraph (1) does not apply to—
- (a) a vehicle with fewer than 3 wheels; or
 - (b) a vehicle of a description mentioned in regulation 55(2).
- (3) In this regulation, “special vehicle” means a vehicle which is—
- (a) engineering plant;
 - (b) a locomotive other than an agricultural motor vehicle;
 - (c) a motor tractor other than an industrial tractor or an agricultural motor vehicle;
 - (d) a public works vehicle; or
 - (e) a works truck.
- (4) For the purposes of this regulation—
- (a) subject to paragraphs (b), (c), (d) and (e), the Community Directives referred to in this regulation shall have effect in relation to a vehicle that is not a “vehicle” within the meaning of the Framework Directive but is of a class of a description specified in column 2 of an item in the Table in regulation 15 (whether or not regulation 15 applies to the vehicle) as it has effect in relation to a vehicle of the category specified in column 3 of that item;
 - (b) subject to paragraphs (c), (d) and (e), a vehicle that does not fall within sub-paragraph (a) and is not a “vehicle” within the meaning of the Framework Directive shall be regarded as meeting the requirements of paragraph 5 of a Community Directive mentioned in the Table if it meets—
 - (i) the requirements of that paragraph as it applies to a vehicle in category M₁ or N₁ within the meaning of the Community Directive, or
 - (ii) the requirements of that paragraph as it applies to a vehicle that is not in either of those categories;
 - (c) subject to sub-paragraphs (d) and (e), in relation to a special vehicle the Community Directives mentioned in column 4 of an item in the Table shall have effect with the modifications (if any) specified in column 5 of the item;
 - (d) a requirement in paragraph 5.2.2.1 of Annex 1 to Community Directive 92/97 for a sound level not to exceed a specified limit in specified circumstances shall be

read as a requirement for the sound level not to exceed that limit by more than the amount mentioned in paragraph 4.1 of Annex V to the Community Directive in those circumstances;

- (e) a requirement in paragraph 5.2.2.1 of Annex 1 to Community Directive 96/20 for a sound level not to exceed a specified limit in specified circumstances shall be read as a requirement for the sound level not to exceed that limit by more than the amount mentioned in paragraph 4.1 of Annex III to the Directive in those circumstances.

(5) Instead of complying with paragraph (1) a vehicle may comply at the time of its first use—

- (a) in the case of a vehicle to which item 1 of the Table applies, with Community Directive 77/212, 81/334, 84/424, 92/97 or 96/20 or ECE Regulation 51.02; or
- (b) in the case of a vehicle to which item 2 of the Table applies, with Community Directive 92/97 or 96/20 or ECE Regulation 51.02.”.

Amendments to regulation 59 (Exceptions to certain regulations)

7. In regulation 59, after “55,” there shall be inserted “55A”.

Amendments to regulation 60 (Radio interference suppression)

8.—(1) Regulation 60 shall be amended as follows.

(2) For paragraph (1) there shall be substituted the following paragraphs—

“(1) Subject to paragraphs (1B), (1D), (1E) and (2)—

- (a) every vehicle to which this sub-paragraph applies shall be so constructed that it complies with the requirements of paragraph 6 of Annex 1 to Community Directive 72/245 or paragraph 6 (as read with paragraph 8) of Annex 1 to Community Directive 95/54 (whether or not those Community Directives apply to the vehicle); and
- (b) every agricultural and forestry tractor which is propelled by a spark ignition engine and is first used on or after 1st April 1974 shall be so constructed that it meets the requirements of paragraph 6 of Community Directive 72/245, 75/322 or 95/54.

(1A) Paragraph (1)(a) applies to every wheeled vehicle which is propelled by a spark ignition engine and—

- (a) is first used on or after 1st April 1974 and before 1st January 1996; or
- (b) is first used on or after 1st January 1996 and is a “vehicle” within the meaning of the Framework Directive.

(1B) For the purposes of paragraph (1)—

- (a) a requirement in paragraph 6.2.2 of Community Directive 72/245 or 75/322 for any description of radiation level not to exceed a specified limit when measured in specified circumstances shall be read as a requirement for that description of radiation level not to exceed that limit by more than the amount mentioned in paragraph 9.2 of those Community Directives when measured in those circumstances; and
- (b) a requirement in paragraph 6.2.2 or 6.3.2 of Community Directive 95/54 for any description of radiation level not to exceed a specified limit when measured in specified circumstances shall be read as a requirement for that

description of radiation level not to exceed that limit by more than the amount mentioned in paragraph 7.3.1 of the Community Directive when measured in those circumstances.

(1C) Subject to paragraph (1F), on and after 1st October 2002 no person shall use or cause or permit to be used on a road a vehicle—

- (a) in respect of which an EC certificate of conformity has been issued; and
- (b) which is fitted with any electrical/electronic sub-assembly that was not fitted to the vehicle when the certificate was issued,

unless the electrical/electronic sub-assembly is marked in accordance with the requirements of Community Directive 95/54/EC.

(1D) Instead of complying with paragraph (1)(a) a vehicle may comply at the time of first use with Community Directive 72/245 or 95/54 or ECE Regulation 10 or 10.01(9).

(1E) Instead of complying with paragraph (1)(b) a vehicle may comply at the time of first use with Community Directive 75/322.

(1F) Paragraph (1C) shall not apply to a vehicle of a type described in article 2(6) of Community Directive 95/54/EC(10); and for the purposes of this paragraph “type” has the same meaning as in article 2(6) of that Directive.”.

(3) After paragraph (2) there shall be added the following paragraph—

“(3) In this regulation “electrical/electronic sub-assembly” has the same meaning as in Community Directive 95/54.”.

Amendments to regulation 61 (emission of smoke, vapour, gases, oily substances etc.)

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

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

“(4A) In relation to a vehicle which—

- (a) has an engine the cylinder capacity of which is less than 700 cc and has a rated power speed of more than 3,000 revolutions per minute;
- (b) is first used before 1st October 1998,

Community Directive 91/542 shall have effect for the purposes of this regulation as if for the figure “0.15” in the Table in paragraph 6.2.1 and 8.3.1.1 there were substituted “0.25”.

For the purposes of this paragraph, “rated power speed” has the same meaning as in Community Directive 96/1.”.

(3) In paragraph (7), “(7A), (7B), (7C), (7D), (7E), (7F), (7G), (7H)” shall be omitted.

(4) Paragraphs (7A) to (7H) shall be omitted.

(5) In paragraph (11), at the beginning there shall be inserted the words “Subject to Schedule 7XA,”.

Amendments to Schedule 2

10.—(1) In Table I of Schedule 2 for items 54B to 56 there shall be substituted the following items—

(9) “ECE Regulation” is defined in regulation 3(2) of, and Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986.

(10) OJ No. L266, 8.11.95, p.1.

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“55	88/195	24.3.88	L92, 9.4.88, p.50	Engine power of motor vehicles	80/1269		
55A	88/218	11.4.88	L98, 15.4.88, p.48	The weights dimensions and other technical characteristics of certain road vehicles	85/3 as amended by 86/360		
55B	88/321	16.5.88	L147, 14.6.88, p.77	Mirrors	71/127 as amended by 79/795, 85/205 and 86/562	10C	
55C	88/366	17.5.88	L181, 12.7.88, p.40	Field of vision of motor vehicle drivers	77/649 as amended by 81/643		
56	88/436	16.6.88	L124, 6.8.88, p.1	Measures to be taken against air pollution by gases from engines of motor vehicles (restriction of particulate pollution emissions from diesel engines)	70/220 as amended by 74/290, 77/102, 78/665, 83/351 and 88/76	4D	2C”

(2) In that Table, after item 69 there shall be inserted the following items—

“70	92/97	10.11.92	L371, 19.12.92, p.1	Permissible sound level and the exhaust	70/157 as amended by 73/350, 77/212, 81/334,	14G	4F
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				system of motor vehicles	84/372 and 84/424		
71	95/54	31.10.95	L266, 8.11.95, p.1	The suppression of radio interference of motor vehicles	72/245	2B	5B
72	96/1	22.1.96	L40, 17.2.96, p.1	Measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles	88/77 as amended by 91/542	4N	2L
73	96/20	27.3.96	L92, 13.4.96, p.23	Permissible sound level and the exhaust system of motor vehicles	70/157 as amended by 73/350, 77/212, 81/334, 84/372, 84/424 and 92/97	141	4G”

(3) In Table II in Schedule 2, after item 21AB there shall be inserted the following item:

“21BA	51.02	51	18.4.95	Noise emissions from motor vehicles having at least 4 wheels	—	14E	4D(4) or 4E”
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New Schedule 7XA

11. After Schedule 7, there shall be inserted the Schedule set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Transport

Department of Transport
9th September 1996

John Bowis
Parliamentary Under Secretary of State,

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THE SCHEDULE

Regulation 11

“SCHEDULE 7XA

Regulations 55A(1) and 61(11)

END OF SERIES EXEMPTIONS

PART I

MODIFICATION OF REGULATIONS 55A AND
61 IN RELATION TO END OF SERIES VEHICLES

Modification of regulations 55A and 61

1.—(1) An item numbered 2 or higher in the Table in regulation 55A shall not apply to—

- (a) a type approval end of series vehicle;
- (b) a non-type approval end of series vehicle; or
- (c) a late entry into service vehicle,

if it is first used before the first anniversary of the date specified in column 3 of the item.

(2) An item numbered 8, 9 or 11 in Table II of regulation 61 shall not apply to a type approval end of series vehicle if it is first used before the first anniversary of the date specified in column 3 of the item.

(3) An item numbered 9 or 11 in Table II of regulation 61 shall not apply to a non-type approval end of series vehicle if it is first used before the first anniversary of the date specified in column 3 of the item.

(4) An item numbered 10 or higher (other than 11) in Table II of regulation 61 shall not apply to—

- (a) a type approval end of series vehicle;
- (b) a non-type approval end of series vehicle; or
- (c) a late entry into service vehicle,

if it is first used before the first anniversary of the date specified in column 3 of the item.

(5) Parts II, III and IV of this Schedule shall have effect for the purpose of interpreting the expressions “type approval end of series vehicle”, “non-type approval end of series vehicle” and “late entry into service vehicle” respectively for the purposes of this paragraph.

PART II

MEANING OF “TYPE APPROVAL END OF SERIES VEHICLE” IN PART I

Meaning of “type approval end of series vehicle” for the purposes of paragraph 1

2.—(1) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to item 8, 9 or 11 in Table II in regulation 61, if it meets the requirements of sub-paragraph (3) in relation to the item.

(2) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to an item numbered 2 or higher in the Table in regulation 55A or an item numbered 10 or higher (other than item 11) in Table II in regulation 61 if—

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(a) by virtue of Schedule 1C to the Type Approval for Goods Vehicles Regulations(11), or
(b) by virtue of Schedule 1C to the Type Approval (Great Britain) Regulations(12),
(both of which Schedules in certain circumstances defer the date on which certain requirements relating to exhaust emissions, noise and silencers cease to apply) the type approval requirements that applied to the vehicle on the date specified in column 3 of the item are the same as the type approval requirements that applied to the vehicle immediately before the date so specified in that column of that item.

- (3) A vehicle meets the requirements of this sub-paragraph, in relation to the item, if—
- (a) it was manufactured during the relevant period;
 - (b) one of the following conditions is satisfied—
 - (i) a certificate of conformity was issued in respect of the vehicle before the date specified in column 3 of the item by virtue of a TAC issued before the date specified in column 4 of the Table in paragraph 6 in relation to the item, or
 - (ii) a sub-MAC was issued in respect of the vehicle before the date specified in column 3 of the item by virtue of a MAC issued before the date specified in column 4 of that Table;
 - (c) it was in the territory of a relevant state at some time before the date specified in column 3 of the item; and
 - (d) the number of relevant vehicles which were—
 - (i) manufactured before that vehicle was manufactured, and
 - (ii) still in existence on the date specified in column 3 of that item, was less than the specified number of 50 (whichever is the greater).
- (4) For the purposes of sub-paragraph (3)—
- (a) “MAC” means a Minister’s approval certificate issued under section 58(1) of the Road Traffic Act 1988;
 - (b) “sub-MAC” means a Minister’s approval certificate issued under section 58(4) of the Road Traffic Act 1988; and
 - (c) “TAC” means a type approval certificate.

Meaning of “relevant vehicle” for the purposes of this Part

3.—(1) For the purposes of paragraph 2(3)(d), in relation to a particular vehicle to which Type Approval for Goods Vehicles Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) which—

- (a) is a vehicle to which those Regulations apply;
- (b) meets the requirements specified in paragraphs (a) to (c) of paragraph 2(3);
- (c) was manufactured by the manufacturer of the vehicle in question; and

(11) “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 1982” (S.I. 1982/1271). Relevant amendments were made to the 1982 Regulations by S.I. 1987/1508, 1989/1579, 1992/1342 and 3084, 1993/1220, 1994/2191, 1995/1323, 1996/2331.

(12) “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 1982 Regulations by S.I. 1987/1509, 1989/1580, 1992/1341, 2161, and 2908, 1994/2190, 1995/1322, 1996/2330.

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(d) had not been registered under the Vehicles (Excise) Act 1971⁽¹³⁾ or the Vehicle Excise and Registration Act 1994⁽¹⁴⁾ before the date specified in column 3 of the item.

(2) For the purposes of paragraph 2(3)(d) in relation to a particular vehicle to which the Type Approval (Great Britain) Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) which—

- (a) is a vehicle to which those Regulations apply;
- (b) meets the requirements specified in paragraphs (a) to (c) of paragraph 2(3);
- (c) was manufactured by the manufacturer of the vehicle in question; and
- (d) had not been registered under the Vehicle Excise and Registration Act 1994 before the date specified in column 3 of the item.

Meaning of “specified number” for the purposes of this Part

4.—(1) For the purposes of paragraph 2(3)(d), in relation to a particular vehicle to which the Type Approval (Great Britain) Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles to which those Regulations apply that were both—

- (a) manufactured by the manufacturer of the vehicle in question; and
- (b) registered under the Vehicles Excise Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the date specified in column 3 of the item.

(2) For the purposes of paragraph 2(3)(d), in relation to a particular vehicle to which the Type Approval for Goods Vehicles Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles to which those Regulations apply that were both—

- (a) manufactured by the manufacturer of the vehicle in question, and
- (b) registered under the Vehicles Excise Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the date specified in column 3 of the item.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part

5.—(1) For the purposes of paragraph 2(3)(c)—

- (a) at any material time before the 5th November 1993, “relevant state” means a member State;
- (b) in relation to any time on or after 5th November 1993 but before 1st May 1995, “relevant state” means an EEA State other than Liechtenstein; and
- (c) in relation to any time on or after 1st May 1995, “relevant state” means any EEA State.

(2) For the purposes of this paragraph—

“EEA agreement” means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the protocol signed at Brussels on the 17th March 1993; and
“EEA State” means a State which is a contracting party to the EEA agreement.

⁽¹³⁾ 1971 c. 10.

⁽¹⁴⁾ 1994 c. 22.

Meaning of “relevant period” for the purposes of this Part

6. For the purposes of this Part, “the relevant period” in relation to an item numbered 8, 9 or 11 in Table II in regulation 61 is the period—

- (a) beginning on the date specified in column 2 of the Table below against that item; and
- (b) ending immediately before the date specified in column 3 of the Table below against that item.

THE TABLE

1	2	3	4	5
Item in Table II in regulation 61	Date on which the relevant period begins:	Date immediately before which the relevant period ends.	Date before which type approval etc. needs to be granted	Date in column 3 of Table II in regulation 61
8	1st August 1990	1st September 1992	1st July 1992	31st December 1992
9	1st April 1991	1st October 1993	1st October 1993	1st October 1993
11	1st August 1992	1st August 1994	1st October 1993	1st October 1994

PART III

MEANING OF “NON-TYPE APPROVAL END OF SERIES VEHICLE” IN PART I

Meaning of “non-type approval end of series vehicle” in paragraph 1

7.—(1) For the purposes of paragraph 1 a vehicle is a non-type approval end of series vehicle in relation to an item if it meets the requirements of sub-paragraph (2) in relation to the item.

- (2) A vehicle meets the requirements of this sub-paragraph in relation to an item if—
 - (a) it is a vehicle to which neither the Type Approval (Great Britain) Regulations nor the Type Approval for Goods Vehicles Regulations apply;
 - (b) it was manufactured during the relevant period;
 - (c) no EC certificate of conformity has been issued in respect of the vehicle;
 - (d) it was in the territory of a relevant state at some time before the end of the relevant period; and
 - (e) the number of relevant vehicles which were both—
 - (i) manufactured before that vehicle was manufactured, and
 - (ii) still in existence on the date specified in column 3 in the item, is less than the specified number, or 50, whichever is the greater.

Meaning of “relevant vehicle” for the purposes of this Part

8. For the purposes of paragraph 7(2)(e), in relation to a particular vehicle (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) which—

- (a) meets the requirements specified in paragraphs (a) to (d) of paragraph 7(2);

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- (b) is a “vehicle” within the meaning of either Community Directive 70/220(15) (as amended by Community Directive 83/351(16) or Community Directive 88/77(17));
- (c) was manufactured by the manufacturer of the vehicle in question;
- (d) had not been registered under the Vehicles (Excise) Act 1971 or the Vehicle Excise and Registration Act 1994 during the relevant period.

Meaning of “specified number” for the purposes of this Part

9.—(1) For the purposes of paragraph 7(2)(e), in relation to a particular vehicle (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles that—

- (a) are vehicles to which neither the Type Approval (Great Britain) Regulations nor the Type Approval for Goods Vehicles Regulations apply; and
 - (b) meet the requirements of sub-paragraph (2).
- (2) A vehicle meets the requirements of this paragraph if it—
- (a) is a “vehicle” within the meaning of either Community Directive 83/351 or Community Directive 88/77;
 - (b) was manufactured by the manufacturer of the vehicle in question; and
 - (c) was registered under the Vehicles (Excise) Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the date specified in column 3 of that item.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part

10. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 7(2)(d) as it has effect for the purposes of paragraph 2(3)(c).

Meaning of “relevant period” for the purposes of this Part

11. For the purposes of paragraphs 7(2)(d), “the relevant period”—
- (a) in relation to an item numbered 9 or 11 in Table II in regulation 61 is the period—
 - (i) beginning on the date specified in column 2 of the Table below against the item, and
 - (ii) ending immediately before the date specified in column 3 of the Table below against the item; and
 - (b) in relation to any item in the Table in regulation 55A or any item numbered 10 or higher (other than 11) in the said Table II is the two year period ending immediately before the date specified in column 3 of that item.

THE TABLE

1	2	3	4
Item in Table II in regulation 61	Date on which relevant period begins	Date immediately before which the relevant period ends	Date in column 3 of Table II in regulation 61

(15) OJ No. L76, 6.4.72, p.1.
 (16) OJ No. L197, 20.7.83, p.1.
 (17) OJ No. L36, 9.2.88, p.33.

1	2	3	4
9	1st April 1991	1st October 1993	1st October 1993
11	1st August 1992	1st August 1994	1st October 1994

PART IV

MEANING OF “LATE ENTRY INTO SERVICE VEHICLE” IN PART I

Meaning of “late entry into service vehicle” in paragraph 1

12. For the purposes of paragraph 1, a vehicle is a late entry into service vehicle, in relation to an item, if—

- (a) no EC certificate of conformity has been issued in respect of the vehicle;
- (b) it was in the territory of a relevant state at some time before the date specified in column 3 of the item;
- (c) it was manufactured at least two years before that date.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part

13. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 12(b) as it has effect for the purposes of paragraph 2(3)(c).”

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 54 of the 1986 Regulations, which contains requirements concerning exhaust systems, is amended so as to allow certain vehicles to comply with directive [92/97/EEC](#) or ECE regulation 51.02 and certain other vehicles to comply with directive [87/56/EEC](#) or [89/235/EEC](#), instead of regulation 54(1).

Subject to exceptions, regulation 55 of the 1986 Regulations, requires vehicles with at least 3 wheels to be so constructed that they meet specified noise limits and their silencers meet specified requirements. The regulation is amended so that (except as described below) it does not apply to vehicles first used on or after 1st October 1996. The regulation is also amended so that vehicles first used before 1st October 1996 have the option of complying with the new Regulation 55A which is inserted by these regulations.

Subject to exceptions, regulation 55A requires vehicles first used on or after 1st October 1996 to be so constructed as to meet the noise limitation requirements specified in Council directive [70/157/EEC](#) as amended by Council directive [92/97/EEC](#) or as amended by Commission directive [96/20/EC](#). Certain vehicles first used on or after 1st October 1996 have the option of complying with this regulation or with regulation 55. The amendments exempt a vehicle from the new and existing

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requirements of these regulations if it is officially approved under directive [92/97/EEC](#), [96/20/EC](#) or ECE Regulation 51.02.

Regulation 60(1) requires certain vehicles to comply at the time of first use with Council Directive [72/245/EEC](#) (on the suppression of radio interference produced by spark ignition engines fitted to motor vehicles), with that Directive as amended by Commission Directive [89/491/EEC](#) or with ECE Regulation 10 or 10.01. Regulation 60 is amended so that paragraph (1) will not apply to a vehicle first used on or after 1st January 1996 unless it falls within the definition of “vehicle” in Council Directive [70/156/EEC](#) on the type approval of motor vehicles and their trailers (as amended) or is an agricultural motor vehicle. Paragraph (1) is amended so that vehicles to which the paragraph applies have the option of complying at the time of first use with Council Directive [72/245](#) as further amended by Commission Directive [95/54/EC](#) instead of with existing requirements. Regulation 6 of the 1986 Regulations sets out the circumstances when a vehicle is to be regarded as complying with a Directive at the time of first use.

These Regulations also insert a new paragraph (1A) in regulation 60, which has effect as from the 1st October 2002 and applies (with exceptions) to vehicles for which EC certificates of conformity have been issued. It makes it unlawful for a vehicle to which the paragraph applies to be fitted with any electrical/electronic sub-assembly that was not fitted to the vehicle when the certificate was issued unless the sub-assembly is marked in accordance with Directive [72/245/EEC](#) as amended by Commission Directive [95/54/EC](#).

Table II of Schedule 1 to Regulation 61 in the 1986 Regulations requires, inter alia, that certain vehicles propelled by compression ignition engines and first used on or after 1st October 1996 comply with the requirements relating to exhaust emission standards set out in directive [91/542/EEC](#). Regulation 61 is amended by these Regulations to allow a certain class of small diesel engines to meet the particulate exhaust emission standard specified in directive [96/1/EC](#) instead of that specified in directive [91/542/EEC](#), for a limited period.

Regulations 55A and 61 are modified by a new Schedule 7XA, inserted by these Regulations, in relation to “end of series vehicles” and “late entry into service vehicles” as defined by that Schedule. The new Schedule subsumes the existing provisions in the 1986 Regulations in relation to “end of series vehicles” which are revoked by these Regulations.

Compliance Cost Assessments in respect of directives [92/97/EEC](#) and [95/54/EC](#) have been prepared and copies can be obtained from The Department of Transport, Zone 2/05, Great Minster House, 76 Marsham Street, London SW1P 4DR (Telephone 0171-271 4632). Copies have been placed in the Libraries of each House of Parliament.

Copies of the relevant directives and ECE regulations can be obtained from Her Majesty’s Stationary Office. The details are set out in the table below.

DIRECTIVES

Principal Instrument	Amendments
Council Directive 70/156/EEC (OJ No. L42, 23.2.70, p.1).	Council Directive 87/403/EEC (OJ No. L220, 8.8.87, p.44); Council Directive 92/53/EEC (OJ No. L225, 10.8.92, p.6); and Council Directive 93/81/EEC (OJ No. L264, 23.10.93, p.49).
Council Directive 70/157/EEC (OJ No. L42, 23.2.70, p.16).	Commission Directive 73/350/EEC (OJ No. L321, 22.11.73, p.33); Council Directive 77/212/EEC (OJ No. L66, 12.3.77, p.33); Commission Directive 81/334/EEC (OJ No. L131, 18.5.81, p.6); Commission Directive 84/372/EEC (OJ No. L196, 26.7.84, p.47); Council Directive 84/424/EEC (OJ No. L238,

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Principal Instrument	Amendments
	6.9.84, p.31); Council Directive 92/97/EEC (OJ No. L371, 19.12.92, p.1); Directive of the European Parliament and Council 96/20/EC (OJ No. L92, 13.4.96, p.23).
Council Directive 70/220/EEC (OJ No. L76, 6.4.70, p.1.) (SE 1970(I) p.171).	Council Directive 83/351/EEC (OJ No. L197, 20.7.83, p.1).
Council Directive 72/245/EEC (OJ No. L152, 6.7.72, p.15).	Council Directive 75/322/EEC (OJ No. L147, 9.6.75, p.78); and Commission Directive 95/54/EC (OJ No. L266, 8.11.95, p.1).
Council Directive 78/1015/EEC (OJ No. L349, 13.12.78, p.21).	Council Directive 87/56/EEC (OJ No. L24, 27.1.87, p.42); Council Directive 89/235/EEC (OJ No. L98, 11.4.89, p.1).
Council Directive 82/890/EEC (OJ No. L378, 31.12.82, p.45).	
Council Directive 88/77/EEC (OJ No. L36, 9.2.88, p.33).	Council Directive 91/542/EEC (OJ No. L295, 25.10.91, p.33); Directive of the European Parliament and Council 96/1/EC (OJ No. L40, 17.2.96, p.1).

ECE REGULATIONS

Principal Instrument	Amending Instruments
Regulation 10 annexed to the Agreement Concerning the Adoption of Uniform Conditions of Approval for Motor Vehicle Equipment and Parts and Reciprocal Recognition of Approval concluded at Geneva on 20th March 1958 (Cmnd 2535) as amended (Cmnd 3562) to which the United Kingdom is a party by an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on the 15th January 1963.	Amended on 19th March 1978.
Regulation 51 annexed to the Agreement.	Amended on 21st October 1984 and 27th April 1988, corrected on 20th June 1988 and amended on 12th September 1991, 18th April 1995 and 6th May 1996.