
STATUTORY INSTRUMENTS

2002 No. 2742

**The Road Vehicles (Registration
and Licensing) Regulations 2002**

PART VIII

MISCELLANEOUS

Cylinder capacity

43.—(1) For the purposes of Schedule 1 to the 1994 Act (annual rates of vehicle excise duty) the cylinder capacity of an internal combustion engine shall be taken to be—

- (a) in the case of a single-cylinder engine, the cylinder capacity attributable to the cylinder of the engine; and
- (b) in the case of an engine having two or more cylinders, the sum of the cylinder capacities attributable to the separate cylinders.

(2) The cylinder capacity attributable to any cylinder of an internal combustion engine shall be deemed to be equal to—

- (a) in the case of a cylinder having a single piston, the product expressed in cubic centimetres of the square of the internal diameter of the cylinder measured in centimetres, and the distance through which the piston associated with the cylinder moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854; and
- (b) in the case of a cylinder having more than one piston, the sum of the products expressed in cubic centimetres of the square of the internal diameter of each part of the cylinder in which a piston moves measured in centimetres, and the distance through which the piston associated with that part of the cylinder moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854.

(3) In measuring cylinders for the purpose of calculating cylinder capacity, and in calculating cylinder capacity, fractions of centimetres are to be taken into account.

Seating capacity of buses

44.—(1) For the purpose of Part III of Schedule 1 to the 1994 Act (annual rates of vehicle excise duty applicable to buses), the seating capacity of a bus shall be taken to be the number of persons that may be seated in the bus at any one time, as determined in accordance with the principles specified in paragraph (2).

(2) Those principles are—

- (a) where separate seats for each person are provided one person shall be counted for each separate seat provided;
- (b) where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410 mm measured in a straight line lengthwise on the front of each seat;

- (c) where any continuous seat is fitted with arms in order to separate the seating spaces and the arms can be folded back or otherwise put out of use, the arms shall be ignored in measuring the seat;
- (d) no account shall be taken of—
 - (i) the driver's seat; or
 - (ii) any seats alongside the driver's seat, whether separate from or continuous with it, if the Secretary of State is satisfied that the use of those seats by members of the public will not be permitted during the currency of the licence applied for.
- (3) In paragraph (2) "driver's seat" means—
 - (a) any separate seat occupied by the driver; or
 - (b) where no such seat is provided and the driver occupies a portion of a continuous seat, so much of that seat as extends from the right edge of the seat if the vehicle is steered from the right-hand side, or from the left edge of the seat if the vehicle is steered from the left-hand side, to a point 460 mm left or right, as the case may be, of the point on the seat directly behind the centre of the steering column.

Recovery vehicles: prescribed purposes

45.—(1) The purposes specified in Part I of Schedule 7 are hereby prescribed for the purposes of paragraph 5(3)(e) of Schedule 1 to the 1994 Act (purposes for which a recovery vehicle may be used).

(2) The purposes specified in Part II of Schedule 7 are hereby prescribed for the purposes of paragraph 5(4) of Schedule 1 to the 1994 Act (purposes to be disregarded in determining whether a vehicle is a recovery vehicle).

Admissibility of evidence from records

46.—(1) The matters specified in paragraph (2) are hereby prescribed for the purposes of section 52(1) of the 1994 Act (matters with respect to which statements in documents are admissible in evidence).

- (2) The matters are anything relating to—
 - (a) an application for—
 - (i) a vehicle licence;
 - (ii) a trade licence;
 - (iii) a repayment of vehicle excise duty under section 19 of the 1994 Act (surrender of licences); or
 - (iv) the recovery of overpaid vehicle excise duty;
 - (b) a vehicle licence, trade licence, nil licence, registration document or registration mark;
 - (c) a trade plate;
 - (d) the recovery of underpaid vehicle excise duty;
 - (e) the conviction of any person for an offence under the 1994 Act or its predecessor legislation;
 - (f) the exemption of a vehicle from vehicle excise duty;
 - (g) the liability of the person by whom a vehicle is kept to pay any sum in accordance with section 30 of the 1994 Act;
 - (h) the immobilisation, removal or disposal of a vehicle pursuant to regulations made under Schedule 2A to the 1994 Act.

Regulations prescribed under section 59(2) of the 1994 Act

47. The regulations specified in column (1), whose subject matter is referred to in column (2), of the table in Schedule 8 are hereby prescribed as regulations to which section 59(2)(a) of the 1994 Act (fines not to exceed level 3 on the standard scale applies).