

## **Explanatory Memorandum**

### **The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2004 (SI Number 2102)**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

#### **2. Description**

2.1 These Regulations implement Directive 2002/85/EC of the European Parliament and of the Council, which amends Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community. The Regulations amend regulations 36A and 36B of the Road Vehicles (Construction and Use) Regulations 1986 to extend the requirement to fit speed limiters to goods vehicles over 3.5 tonnes and to passenger vehicles with more than 8 passenger seats irrespective of weight.

#### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

#### **4. Legislative Background**

4.1 These Regulations are made under powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988.

#### **5. Extent**

5.1 The Directive must be applied UK-wide. These Regulations implement the Directive's provisions only in relation to Great Britain. Northern Ireland and Gibraltar legislation will be amended separately.

#### **6. Policy Background**

6.1 The present EC requirement is for speed limiters to be fitted to all goods carrying vehicles with a maximum mass exceeding 12 tonnes; and, to all passenger carrying vehicles, with more than 8 seats in addition to the drivers seat, with a maximum mass exceeding 10 tonnes. Limiters have to restrict speed to 90kph, and to be set to 100kph respectively.

6.2 However, existing GB law goes further than EC legislation. In relation to goods vehicles with a maximum mass between 7.5 tonnes and 12 tonnes, it requires limiters to restrict speed to 60mph. For passenger carrying vehicles, with more than eight seats in addition to the drivers seat, with a maximum mass exceeding 7.5 tonnes, it requires limiters to be set to 100kph (113kph in the case of vehicles first used prior to 1 January 1998).

6.3 The Directive and these Regulations extend the categories of vehicle that are required to be fitted with a speed limiter. When fully implemented, the Regulations will require limiters to be fitted to all passenger-carrying vehicles, with more than eight gears in addition to the drivers seat, irrespective of weight; and, all goods vehicles with a maximum mass exceeding 3.5 tonnes. Limiters will have to be set at 100 kph and restrict speed to 90 kph respectively.

6.4 While Directive 2002/85/EC must be implemented by 1 January 2005, it contains transitional provisions that defer implementation for certain categories of vehicles.

6.5 As such, these Regulations will apply to all 'in-scope' vehicles first used on or after 1 January 2005. Where they are used solely for national transport operations, passenger vehicles with a maximum mass not exceeding 5 tonnes, and goods carrying vehicles with a mass not exceeding 7.5 tonnes, will not have to be fitted with limiters until 1 January 2008.

6.6 The Regulations also require limiters to be fitted to 'in-scope' diesel-engined vehicles first used between 1 October 2001 and 1 January 2005. These vehicles will need to be fitted retrospectively with limiters by 1 January 2006, unless they are used solely for national transport operations in which case they do not need to be fitted until 1 January 2007.

## **7. Impact**

7.1 A full regulatory impact assessment of the effect that the Regulations will have on the costs of business has been prepared and a copy is attached.

7.2 There is no impact on the public sector.

## **8. Contact**

8.1 The official within the Department for Transport who can be contacted with any queries on the Regulations is David Briggs, Licensing Roadworthiness & Insurance Division, Department for Transport, Southside, 105 Victoria Street, London, SW1P 4DR; telephone 020 7944 2453; e-mail david.briggs@dft.gsi.gov.uk