

**EXPLANATORY MEMORANDUM TO  
THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) (NO. 2)  
REGULATIONS 2009**

**2009 No. 1806**

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

2. **Purpose of the instrument**

These Regulations amend Schedule 7B to the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) to apply the 15th edition of the “In Service Exhaust Emission Standards for Road Vehicles” booklet (“the emissions publication”). This document has been updated annually since 1995. It defines emissions limits to be met by cars and light duty vehicles at MoT and roadside tests. The 15th edition of the emissions publication includes vehicles that have been newly introduced onto the UK market since the publication of last year’s edition.

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

None.

4. **Legislative Context**

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

4.2 Regulation 61 of, and Schedule 7B to, the 1986 Regulations set emissions requirements for road vehicles. Test requirements are laid down in Schedule 7B which, for petrol vehicles fitted with catalytic converters, are those listed in the emissions publication. These are enforced at the annual MoT test and at random roadside tests.

4.3 A new edition of the emissions publication is published annually to include requirements for models which have come onto the market during the previous year. It also revises certain information on some existing models to reduce the risk of erroneous test failures.

5. **Territorial Extent and Application**

This instrument applies to Great Britain.

6. **European Convention on Human Rights**

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

The majority of road vehicles are subject to a metered emissions check at the MoT test to ensure that they have been maintained to an appropriate standard and their emissions are not excessive. The emissions publication lists the emissions requirements for models of petrol vehicles equipped with catalytic converters where such information is provided by the manufacturer. Where information on emissions requirements is not provided by the manufacturer, default limits specified in the European roadworthiness directive 96/96/EC, apply. The MoT emissions testing regime has been in place since 1992 and is well established. These Regulations introduce no new additional requirements and therefore public interest is likely to be minimal.

## **8. Consultation outcome**

The Department for Transport has consulted widely on these Regulations and the content of the emissions publication and no objections were raised. The organisations consulted have included, amongst others, transport interest groups, vehicle manufacturers/importers, professional or representative bodies and trade associations. The Cabinet Office agreed that public consultation on the amendments to the emissions publication could be reduced from the normal 12 week period to 6 weeks because of the close involvement of vehicle manufacturers in providing the data. At the consultation stage we contacted 451 organisations from which 5 replies were received. No comments of substance were received. Consultees either welcomed the proposals or confirmed receipt of the documents.

## **9. Guidance**

This is set out in the form of a letter to vehicle manufacturers requesting the provision of information on in-service emissions limit values and new model types in their product range for passenger cars, large passenger cars, light goods vehicles or multi-purpose vehicles. An Annex to the letter sets out in detail what is required and explains how to determine which model types to include in their submission and how the vehicles will be tested. A pro-forma is also attached to supply the data to the Vehicle Certification Agency.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

**11. Regulating small business**

The instrument applies to small business. No additional financial impacts for small business are envisaged as a result of this instrument.

**12. Monitoring & review**

The Department for Transport liaises regularly with the Vehicle Operator and Services Agency and the Vehicle Certification Agency on the operation of the emissions requirements in relation to MoT and roadside testing.

**13. Contact**

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