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STATUTORY INSTRUMENTS

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**2011 No. 427**

**ROAD TRAFFIC**

**The Road Vehicles (Construction and Use) (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>15th February 2011</i>
<i>Laid before Parliament</i>		<i>18th February 2011</i>
<i>Coming into force</i>	- -	<i>15th March 2011</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988<sup>(1)</sup>.

Representative organisations have been consulted in accordance with section 195(2) of that Act.

**Citation and commencement**

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) Regulations 2011 and come into force on 15th March 2011.

**Amendment of Regulations**

2. The Road Vehicles (Construction and Use) Regulations 1986<sup>(2)</sup> are amended as follows.

**End-of-series exemption**

3. After regulation 61B, insert—

**“End-of-series exemption**

**61C.—(1)** The emissions requirements in European Community Regulation 715/2007<sup>(3)</sup> shall have effect for category N<sub>1</sub> class I end-of-series vehicles from the first anniversary of the relevant date.

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(1) 1988 c.52; section 41 was amended by the Road Traffic Act 1991 (c.40), section 48 and Schedule 4, paragraph 50, and section 83 and Schedule 8.  
(2) S.I. 1986/1078; relevant amending instruments are 2000/3197 and 2009/2196.  
(3) Regulation (EC) No. 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles (Euro 5 and 6) and on access to vehicle repair and maintenance information (OJNo. L171, 29.6.2007, p.1).

(2) The emissions requirements in European Community Regulation 595/2009<sup>(4)</sup> shall have effect for category N<sub>2</sub> and N<sub>3</sub> end-of-series vehicles from the first anniversary of the relevant date.

(3) For the purpose of this regulation, “relevant date” means—

- (a) for category N<sub>1</sub> class I vehicles, 1st January 2011, and
- (b) for category N<sub>2</sub> and N<sub>3</sub> vehicles, 31st December 2013.

(4) For the purpose of paragraphs (1) and (2), a vehicle is an end-of-series vehicle if—

- (a) at least three months before the relevant date, a certificate of conformity or a sub-MAC was in force for the vehicle, and the MAC or TAC (as the case may be) had been issued by virtue of an emissions requirement that—
  - (i) then applied to the vehicle, but
  - (ii) ignoring this regulation, would have ceased to apply on the relevant date;and
- (b) it is in the territory of an EEA state on the relevant date.

(5) In this regulation—

“category N<sub>1</sub> class I” means a motor vehicle with at least 4 wheels designed or constructed for the carriage of goods and having a reference mass not exceeding 1,305 kilograms;

“category N<sub>2</sub> and N<sub>3</sub>” have the meaning given in Annex II to Community Directive 2007/46;

“MAC” means a Minister’s approval certificate issued under section 58(1) of the 1988 Act;

“reference mass” has the meaning given in Article 3(3) of European Community Regulation 715/2007;

“sub-MAC” means a Minister’s approval certificate issued under section 58(4) of the 1988 Act; and

“TAC” means a type approval certificate.”

Signed by authority of the Secretary of State

15th February 2011

*Norman Baker*  
Parliamentary Under Secretary of State  
Department of Transport

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(4) Regulation (EC) No. 595/2009 of the European Parliament and of the Council of 18 June 2009 on type approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No. 715/2007 and Directive 2007/46/EC and repealing 80/1269/EEC and 2005/78/EC (OJ No. L188, 18.7.2009, p.1).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) by inserting regulation 61C which provides an exemption from the emissions requirements in EC Regulations 715/2007 and 595/2009 for certain end-of-series vehicles.

EC Regulations 715/2007 and 595/2009 impose stricter emissions requirements for the type approval of vehicles which apply from different dates depending on the type of vehicle. Article 27 and Annex XII of the Directive [2007/46/EC](#) (“the Framework Directive”), under which the Regulations 715/2007 and 595/2009 operate, enables Member States to allow the sale, registration and entry into service of end-of-series vehicles for a limited period of time after the new type approval requirements take effect. End-of-series vehicles are those vehicles which were covered by a valid EC type approval at the time of their production, but were not registered or put into service before that EC type approval lost its validity. Many of the vehicles to which Regulations 715/2007 and 595/2009 apply already benefit from end-of-series provisions in the Road Vehicles (Approval) Regulations 2009 ([S.I. 2009/717](#)), but those Regulations do not apply to category N<sub>1</sub> class I vehicles until 29th October 2011 and to category N<sub>2</sub> and N<sub>3</sub> vehicles until 29th October 2014. The emission requirements for category N<sub>1</sub> class I vehicles have effect from 1st January 2011 and for category N<sub>2</sub> and N<sub>3</sub> from 31st December 2013, so the provisions in regulation 61C allow end-of-series vehicles for those categories to benefit from the same provisions as already apply to other end-of-series vehicles.

*Regulation 3* inserts regulation 61C into the 1986 Regulations. Paragraph (1) of regulation 61C delays for 12 months the effect of the emissions requirements in EC Regulation 715/2007 for category N<sub>1</sub> class I end-of-series vehicles. Paragraph (2) delays for 12 months the effect of the emissions requirements in EC Regulation 595/2009 for category N<sub>2</sub> and N<sub>3</sub> end-of-series vehicles. Paragraph (3) sets out the criteria that a vehicle must meet for it to be considered an end-of-series vehicle. Paragraph (4) contains the definitions.

An impact assessment has been produced for this instrument but little or no impact on the private or voluntary sectors is foreseen. The Explanatory Memorandum is available alongside this instrument on the OPSI website ([www.legislation.gov.uk](http://www.legislation.gov.uk)).