
STATUTORY INSTRUMENTS

1990 No. 1131

**The Road Vehicles (Construction and Use)
(Amendment) (No. 2) Regulations 1990**

Amendments relating to exhaust emission

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

(2) In paragraphs (3) to (6) for the words “the Table” wherever they occur there shall be substituted the words “Table I”.

(3) After paragraph (3) there shall be inserted the following paragraph—

“(3A) A motor vehicle to which an item in Table II applies shall be so constructed as to comply with the requirements relating to conformity of production models set out in the provisions specified in that item in column (4) of that Table.”

(4) After paragraph (6) there shall be inserted the following paragraphs—

“(7) Subject to paragraphs (8), (9) and (10), no person shall use, or cause or permit to be used, on a road a motor vehicle to which an item in Table II applies if, in relation to the emission of the substances specified in column (6) of the item, the vehicle does not comply with the requirements relating to conformity of production models specified in column (4) unless the following conditions are satisfied in respect to it—

- (a) the failure to meet those requirements in relation to the emission of those substances does not result from an alteration to the propulsion unit or exhaust system of the vehicle,
- (b) those requirements would neither be met in relation to the emission of those substances nor would such emissions be materially reduced if maintenance work of a kind which would fall within the scope of a normal periodic service of the vehicle were to be carried out on the vehicle, and
- (c) the failure to meet those requirements in relation to such emissions does not result from any device designed to control the emission of carbon monoxide, hydrocarbons, oxides of nitrogen or particulates fitted to the vehicle being other than in good and efficient working order.

(8) Paragraph (7) shall not apply to a vehicle first used before 26th June 1990.

(9) Where—

- (a) a vehicle is fitted with a device of the kind referred to in sub-paragraph (c) of paragraph (7),
- (b) the vehicle does not comply with the requirements specified in that paragraph in respect to it, and
- (c) the conditions specified in sub-paragraphs (a) and (b) of that paragraph are satisfied in respect to the vehicle,

nothing in paragraph (7) shall prevent the vehicle being driven to a place where the device is to be repaired or replaced.

(10) Where—

- (a) a vehicle was constructed or assembled by a person not ordinarily engaged in the business of manufacturing motor vehicles of that description, and
- (b) the propulsion unit of the vehicle had previously been used as the propulsion unit of one or more other vehicles,

paragraphs (3A), (7), (8) and (9) shall apply to the vehicle referred to in sub-paragraph (a) as if its date of first use was the date of first use of the other vehicle, or (if there was more than one such other vehicle) the vehicle in which the propulsion unit was first so used.

(11) In this regulation, a reference to a vehicle to which an item in Table II applies is a reference to a vehicle which—

- (a) is of a class specified in that item in column (2) of that Table,
- (b) is first used on or after the date specified in that item in column (3) of that Table, and
- (c) is not exempted by the entry in that item in column (5) of that Table.

(12) In Table II—

- (a) “exempt vehicle” means—
 - (i) a vehicle with less than 4 wheels,
 - (ii) a vehicle with a maximum gross weight of less than 400 kg,
 - (iii) a vehicle with a maximum speed of less than 25 km/h, or
 - (iv) an agricultural motor vehicle;
- (b) “direct injection” means a fuel injection system in which the injector communicates with an open combustion chamber or the main part of a divided combustion chamber.
- (c) “indirect injection” means a fuel injection system in which the injector communicates with the subsidiary part of a divided combustion chamber.
- (d) a reference in column (5) to a vehicle complying with an item is a reference to a vehicle that complies with the provisions specified in that item in column (4) whether the vehicle is or is not within the class of vehicles to which that item applies and any instrument mentioned in that item shall for the purposes of the reference have effect as if it applied to the vehicle in question (whether it would otherwise have done so or not).”.

(5) The Table shall be re-named “Table I” and in Table I as so re-named—

- (a) in item 3, column 4 there shall be added the following paragraph—
 - “(c) a vehicle to which any item in Table II applies.”;
- (b) item 4 shall be omitted.

(6) After Table I as re-named in accordance with paragraph (5), there shall be inserted the following Table—

TABLE II (regulation 61(3A) and (7))

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements		(5) Vehicles exempted from requirement	(6) Emitted substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
1	Vehicles propelled by a spark ignition engine.	1st October 1982.	Community Directive 78/665, or ECE Regulation 15.03.	Annex I, paragraphs 3 and 5. Paragraphs 5, 8 and 11.	(a)	A carbon monoxide, hydrocarbons and oxides of nitrogen. weight exceeds 3500 kg;
					(b)	A vehicle which complies with the requirements of items 2, 4, 5 or 8;
					(c)	A vehicle whose maximum speed is less than 50 km/h;
					(d)	An exempt vehicle.

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements		(5) Vehicles exempted from requirement	(6) Emitted substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
2	All vehicles.	1st April 1991.	Community Directive 83/351, or ECE Regulation 15.04.	Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 12.	<p>(a) A carbon dioxide, hydrocarbons and oxides of nitrogen. compression ignition engine and whose maximum gross weight exceeds 3500 kg;</p> <p>(b) A vehicle which complies with the requirements of items 4, 5, 6 or 8;</p> <p>(c) An industrial tractor, works truck or engineering plant;</p> <p>(d) A vehicle</p>	

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			(a) Instrument	(b) Place in instrument where requirements are stated		
						whose maximum speed is less than 50 km/h;
					(e) An exempt vehicle.	
3	Industrial tractors, works trucks and engineering plant propelled in each case by a compression ignition engine.	1st April 1993.	ECE Regulation 49.	Paragraphs 5 and 7.	A vehicle which complies with the requirements of item 6.	Carbon monoxide, hydrocarbons and oxides of nitrogen.
4	Passenger vehicles which – are constructed or adapted to carry not more than 5 passenger excluding the	1st April 1994.	Community Directive 88/76.	Annex I, paragraphs 5, 7 and 8.	(a) A carbon monoxide, hydrocarbons and oxides of nitrogen. the requirements of item 8; (b) A vehicle whose maximum speed is	

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			(a) Instrument	(b) Place in instrument where requirements are stated		
	driver, and have a maximum gross weight of not more than 2500 kg,	1st April 1997. 1st April 1994.			less than 50 km/h; (c) An exempt vehicle.	
	not being in either case, an off-road vehicle and		(a) are propelled by a spark ignition engine with a capacity of			
			(i) not less than 1400 cc and not more			

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements	(5) Vehicles exempted from requirement	(6) Emitted substances
			(a) Instrument	(b) Place in instrument where requirements are stated	
		(ii) than 2000cc, more than 2000cc, or			
		(b) are propelled by an indirect injection compression ignition engine with a capacity of not less than 1400 cc, or			
		(c) are propelled by a direct injection compression ignition engine with a capacity of			
		(i) not less than			

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			(a) Instrument	(b) Place in instrument where requirements are stated		
		1400 cc and not more than 2000cc, or (ii) more than 2000cc.				
5	Vehicles which are not of a description specified in this column in items 4 and 8 but which – (a) are propelled by a spark engine, and whose maximum gross weight is (i) not more than 2000 kg, or (ii) more than	1st April 1992. 1st April 1994. 1st April 1991. 1st April 1994.	Community Directive 88/76.	Annex I, paragraphs 5, 7 and 8.	(a) A carbon monoxide, hydrocarbons and oxides of nitrogen. (b) An industrial tractor, works truck or engineering plant;	

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements		(5) Vehicles exempted from requirement	(6) Emitted substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
	(b) are propelled by a compression ignition engine and whose maximum gross weight is (i) not more than 3500 kg, or (ii) more than 3500 kg.	2000 kg.			(c) A vehicle whose maximum speed is less than 50 km/h; (d) An exempt vehicle.	
6	All vehicles propelled by compression ignition engines.	1st April 1991.	Community Directive 88/77.	Annex I, paragraphs 6, 7 and 8.	(a) A carbon monoxide, hydrocarbons and nitrogen oxides gross weight is less than 3500 kg, is first used before 1st April	

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements	(5) Vehicles exempted from requirement	(6) Emitted substances
			(a) Instrument	(b) Place in instrument where requirements are stated	
					1994 and which complies with the requirements of item 2;
					(b) A vehicle which complies with the requirements of items 4 or 5;
					(c) A fire appliance which is first used before 1st October 1992;
					(d) An industrial tractor, works truck or engineering plant;

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements		(5) Vehicles exempted from requirement	(6) Emitted substances
			(a) Instrument	(b) Place in instrument where requirements are stated		
7	<p>Passenger vehicles which –</p> <p>(a) are constructed or adapted to carry not more than 5 passengers excluding the driver, and</p> <p>(b) have a maximum gross weight of not more than 2500 kg,</p> <p>which are propelled by a compression ignition engine of</p> <p>(i) the indirect injection type, or</p>	<p>1st April 1991.</p> <p>1st April 1997.</p>	<p>Community Directive 88/436.</p>	<p>Annex I, paragraphs 5, 7 and 8 as far as they relate to particulate emissions.</p>	<p>(e) An exempt vehicle.</p> <p>(a) A vehicle whose maximum speed is less than 50 km/h;</p> <p>(b) An off-road vehicle;</p> <p>(c) An exempt vehicle.</p>	<p>(a) Particulates.</p>

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			(a) Instrument	(b) Place in instrument where requirements are stated		
8	(ii) the direct injection type. Passenger vehicles propelled by an engine with a capacity of less than 1400 cc which – (a) are constructed or adapted to carry not more than 5 passengers excluding the driver, and (b) have a maximum gross weight of not more than 2500 kg,	31st December 1992.	Community Directive 89/458	Annex I, paragraphs 5, 7 and 8.	(a) A carbon monoxide, hydrocarbons and oxides of nitrogen. is less than 50 km/h; (b) An off-road vehicle; (c) An exempt vehicle.	