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STATUTORY INSTRUMENTS

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**2002 No. 227**

**ROAD TRAFFIC**

**The Road Vehicles (Construction and Use) (Amendment) Regulations 2002**

<i>Made</i>	- - - -	<i>1st February 2002</i>
<i>Laid before Parliament</i>		<i>8th February 2002</i>
<i>Coming into force</i>	- -	<i>1st March 2002</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred by sections 41(1), (2) and (5) of the Road Traffic Act 1988<sup>(1)</sup> and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) Regulations 2002 and shall come into force on 1st March 2002.

**Amendment of Schedule 7B**

2.—(1) Schedule 7B to the Road Vehicles (Construction and Use) Regulations<sup>(2)</sup> shall be amended as follows.

(2) In sub-paragraph 2(a), for “0.3%” there shall be substituted “the relevant percentage”.

(3) In paragraph 3, the words “paragraph 1 of” shall be inserted after the words “For the purposes of”.

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

“**3A** For the purposes of paragraph 2(a) of this Part of this Schedule the relevant percentage, in respect of a vehicle, is, when the engine is running without load at a fast idling speed—

(a) if the vehicle is of a description specified in the Annex to the emissions publication, the percentage shown against that description of vehicle in column 3(a) of that Annex; or

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(1) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.  
(2) S.I. 1986/1078; relevant amending instrument are S.I. 1995/2210, S.I. 1996/2085 and S.I. 2001/1825.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(b) if the vehicle is not of such a description, 0.3%.”

Signed by authority of the Secretary of State For Transport, Local Government and the Regions

*David Jamieson*  
Parliamentary Under-Secretary of State  
Department for Transport, Local Government  
and the Regions

1st February 2002

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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”) in relation to in-service exhaust emissions tests as a result of the requirement to implement Commission Directive [2001/9/EC](#)(3) which amended Council Directive [96/96/EC](#)(4) (“the Roadworthiness Directive”).

In order to implement those aspects of the Roadworthiness Directive relating to the testing of exhaust emissions, [S.I. 1995 No. 2210](#) made some amendments to Regulation 61 and inserted Schedule 7B into the 1986 Regulations. Schedule 7B sets out the acceptable exhaust emissions limits for normal and high idling speeds. Hitherto, the manufacturer of any vehicle has been able to specify the relevant limit for normal idling speeds, but in relation to fast idling speeds the limit has been specified as 0.3%.

Requirements for such tests are laid out in paragraph 8.2.1(b)(4) of Annex II to the Roadworthiness Directive. This paragraph has been amended by Commission Directive [2001/9/EC](#) with the result that the manufacturer of any vehicle may, from the time that these Regulations come into force, specify the relevant limit for both normal and fast idling speeds.

*Regulation 2* of these Regulations therefore amends Schedule 7A so as to delete the specification of 0.3% for fast idling speeds and to allow the manufacturer to set the specification for the relevant vehicle. Where no such specification is available, the limit remains at 0.3%.

A Regulatory Impact Assessment has been prepared and copies can be obtained from the Department for Transport, Local Government and the Regions, Zone 4/15, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone: 020-7944-2063). Copies are being placed in the Libraries of each House of Parliament. No separate transposition note has been provided since all the relevant information is contained within this Explanatory Note.

Copies of the relevant EC Directives can be obtained from the Stationery Office.

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(3) OJNo. L 48, 17.2.2001.  
(4) OJ No. L 46, 17.2.1997.