
STATUTORY INSTRUMENTS

1993 No. 2199

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 2) Regulations 1993**

Made - - - - *8th September 1993*
Laid before Parliament *10th September 1993*
Coming into force - - *1st October 1993*

The Secretary of State for Transport, in exercise of the powers conferred by sections 41(1), (2) and (5) of the Road Traffic Act 1988(1), 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) (No. 2) Regulations 1993 and shall come into force on 1st October 1993.

Preliminary

2. The Road Vehicles (Construction and Use) Regulations 1986(2) shall be further amended in accordance with the following provisions of these Regulations.

Amendments to regulation 3 (interpretation)

3. In regulation 3, before paragraph (3), there shall be inserted the following paragraph—

“(2A) Without prejudice to section 17 of the Interpretation Act 1978(3) and subject to the context, a reference in these Regulations to any enactment comprised in subordinate legislation (within the meaning of that Act) is a reference to that enactment as from time to time amended or re-enacted with or without modification.”.

Amendments to regulation 61 (exhaust emissions)

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

(1) 1988 c. 52; section 41 is amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(2) S.I.1986/1078; relevant amending instruments are S.I. 1990/2212, 1991/1526 and 1992/2137 and 3285.
(3) 1978 c. 30.

(2) In paragraph (4), for sub-paragraph (b) there shall be substituted the following sub-paragraph

“(b) if it is propelled by a spark ignition engine, with any instrument mentioned in column (4)(a) of Table II.”.

(3) In paragraph (7), after “(7A),”, there shall be inserted “(7B), (7C), (7D),”.

(4) After paragraph (7A), there shall be inserted the following paragraphs—

“(7B) In relation to a vehicle to which Part III of Schedule 1B of the Type Approval for Goods Vehicles Regulations(4) applies, item 9 of Table II shall have effect as if for the entry in column (3) there were substituted “1st October 1994”.

(7C) In relation to a vehicle to which neither the Type Approval of Goods Vehicles Regulations nor the Type Approval (Great Britain) Regulations(5) applies, and which was one among the first specified number of relevant vehicles to have been manufactured, item 9 of Table II shall have effect as if for the entry in column (3) there were substituted “1st October 1994”.

(7D) For the purposes of paragraph (7C) above, in relation to a vehicle (“the vehicle in question”),—

(a) “specified number” is 10 per cent. of the total number of vehicles to which neither the Type Approval for Goods Vehicles Regulations nor the Type Approval (Great Britain) Regulations applies that were both—

(i) manufactured by the manufacturer of the vehicle in question; and

(ii) registered under the Vehicles (Excise) Act 1971(6) during the period beginning with 1st October 1992 and ending with 30th September 1993;

or 50 whichever is the greater; and

(b) “a relevant vehicle” is a vehicle which—

(i) is not subject to either the Type Approval for Goods Vehicles Regulations or the Type Approval (Great Britain) Regulations;

(ii) was manufactured by the manufacturer of the vehicle in question on or after 1st April 1991 and before 1st October 1993;

(iii) was in the territory of a member State at some time before 1st October 1993;

(iv) was in existence on 1st October 1993; but

(v) had not been registered under the Vehicles (Excise) Act 1971 before 1st October 1993.”.

(5) In paragraph (11)(c), for “or 10” there shall be substituted “, 10 or 11”.

(6) In column 4 of item 3 of Table I, sub-paragraph (b) shall be omitted.

(7) For Table II, there shall be substituted the Table set out in the Schedule to these Regulations.

Consequential amendments

5.—(1) In Table I of Schedule 2, after item 67, there shall be inserted the following item—

(4) “The Type Approval for Goods Vehicles Regulations” is defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as meaning “The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982” (S.I. 1982/1271). Relevant amendments were made to the 1982 Regulations by S.I. 1984/697, 1985/46, 1986/427 and 1089, 1987/1508, 1988/1523, 1989/1579, 1991/1021, 1992/25, 1342 and 3084 and 1993/2200.

(5) “The Type Approval (Great Britain) Regulations” is defined in regulation 3(2) of The Road Vehicles (Construction and Use) Regulations 1986 as meaning “The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984” (S.I. 1984/981). Relevant amendments were made to the 1984 Regulations by S.I. 1984/1761, 1985/1651, 1987/1509 and 1991/1022.

(6) 1971 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31).

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“68	93/59	28.6.93	Measures to be taken against air pollution by emissions from motor vehicles	70/220 as amended by 74/290, 77/102, 78/665, 83/351, 88/76, 88/436, 89/458 and 91/441	4K	2I”
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(2) In Table II of Schedule 2—

(a) after item 21AA there shall be inserted the following item—

“21AB	49.02	49	15.4.82	Emissions of gaseous pollutants	30.12.92”
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(b) after item 24 there shall be inserted the following items—

“25	83	83	5.11.89	Emissions of gaseous pollutants	—	4F	2H
26	83.01	83	5.11.89	Emissions of gaseous pollutants	30.12.92	4K	2F”

Signed by authority of the Secretary of State for Transport

8th September 1993

Robert Key
 Parliamentary Under Secretary of State,
 Department of Transport

THE SCHEDULE

Regulation 4

"TABLE II

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements
(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
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.
			<p>(a) A Carbon monoxide, hydrocarbons and oxides of nitrogen gross weight exceeds 3,500kg;</p> <p>(b) A vehicle which complies with the requirements of item 2, 4, 5, 8, or 11;</p> <p>(c) A vehicle whose maximum speed is less than 50km/h;</p> <p>(d) An exempt vehicle.</p>

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements	(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
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.	(a)	A Carbon monoxide, hydrocarbons and oxides of nitrogen. compression ignition engine and whose maximum gross weight exceeds 3,500kg;	(b)	A vehicle which complies with the requirements of item 4, 5, 8 or 11;
				(c)	A vehicle within the meaning given by Article 1 of Community Directive 88/77 and		

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements
(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
			which complies with the requirements of item 6, 9, or 10;
			(d) An industrial tractor, works truck or engineering plant;
			(e) A vehicle whose maximum speed is less than 50km/h;
			(f) An exempt vehicle.
3	Industrial tractors, works trucks and engineering plant propelled in each case by a compression	1st April 1993	ECE Regulation 49
			Paragraphs 5 and 7.
			A vehicle which complies with the requirements of item 6, 9, 10 or 11. Carbon monoxide, hydrocarbons and oxides of nitrogen.

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements	(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
4	Passenger vehicles 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 2,500kg, not being off-road vehicles.	1st April 1991	Community Directive 88/76 or Community Directive 89/458 or ECE Regulation 83	Annex I, paragraphs 5, 7 and 8. Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13.	(a) A Carbon monoxide, hydrocarbons and oxides of nitrogen. the requirements of item 2, 8 or 11; (b) A vehicle whose maximum speed is less than 50km/h; (c) An exempt vehicle.		
5	Vehicles which are not of a description specified in this column in item 4 but which— (a) are propelled by a	1st April 1992 1st April 1991	Community Directive 88/76 or ECE Regulation 83	Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13.	(a) A Carbon monoxide, hydrocarbons and oxides of nitrogen. given by Article 1 of Community		

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements
(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
	spark ignition engine and have a maximum gross weight of not more than 2,000kg,		Directive 88/77 and which complies with the requirements of item 6, 9, 10, or 11;
	(b) or are propelled by a compression ignition engine and have a maximum gross weight of more than 3,500kg.		(b) An industrial tractor, works truck or engineering plant;
			(c) A vehicle whose maximum speed is less than 50km/h;
			(d) A vehicle which complies with the requirements of item 8;

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements	(6) Emitted substances
(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements		
				<p>is first used before 1st October 1992;</p> <p>(d) An industrial tractor, works truck or engineering plant;</p> <p>(e) An exempt vehicle.</p>
7	<p>Passenger vehicles which—</p> <p>(a) are constructed or adapted to carry not more than 5 passengers excluding the driver,</p> <p>(b) have a maximum gross weight of not more than 2,500kg,</p>	1st April 1991	Community Directive 88/436 Annex I, paragraphs 5, 7 and 8 as far as they relate to particulate emissions.	<p>(a) A Particulates vehicle which complies with the requirements of item 8 or 11;</p> <p>(b) A vehicle whose maximum speed is less than 50km/h;</p> <p>(c) An off-</p>

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements
(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
	(c) and are propelled by a compression ignition engine of the indirect injection type.		(d) An exempt road vehicle.
8	All vehicles.	31st December 1992	Community Directive 91/441 or ECE Regulation 83.01
			Annex I, paragraphs 5, 7 and 8. Paragraphs 5, 8 and 13.
			(a) A Carbon monoxide, hydrocarbons, the oxides of nitrogen and particulates. by Article 1 of Community Directive 88/77 and which — (i) complies with the requirements of item 6 and is first used before 1st October

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements	(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
							1993, or (ii) complies with the requirements of item 9, 10 or 11;
							(b) An industrial tractor, works truck or engineering plant;
							(c) A vehicle whose maximum speed is less than 50km/h;
							(d) An exempt vehicle.
9	All vehicles propelled by a compression ignition engine.	1st October 1993	Community Directive 91/542 or ECE Regulation 49.02	Annex I, paragraphs 6, 7 and 8 (excluding line B in the Tables in sub-paragraphs	(a) A Carbon monoxide, hydrocarbons, oxides of nitrogen and the particulates.		requirements of item

(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements	(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
			6.2.1 and 8.3.1.1). Paragraphs 5, 6 and 7 (excluding line B in the Tables in subparagraphs 5.2.1 and 7.4.2.1).				8, 10 or 11; (b) An industrial tractor, works truck or engineering plant; (c) An exempt vehicle.
10	All vehicles propelled by a compression ignition engine.	1st October 1996	Community Directive 91/542 or ECE Regulation 49.02 Annex I, paragraphs 6, 7 and 8 (excluding line A in the Tables in subparagraphs 6.2.1 and 8.3.1.1). Paragraphs 5, 6 and 7 (excluding line A in the Tables in subparagraphs 5.2.1 and 7.4.2.1).	(a)	A Carbon monoxide, hydrocarbons, particulates of nitrogen and the particulates. requirements of item 8 or 11;		(b) An industrial tractor, works truck or engineering plant; (c) An exempt vehicle.
11	All vehicles.	1st October 1994	Community Directive 93/59 Annex I, paragraphs 5, 7 and 8.	(a)	A Carbon monoxide, hydrocarbons,		

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(1) Item	(2) Class of Vehicle	(3) Date of First Use	(4) Design, construction and equipment requirements
(a) Instrument	(b) Place in instrument where requirements are stated	(5) Vehicles exempted from requirements	(6) Emitted substances
			<p>the oxides of nitrogennitrogen and give particulatesparticulates.”</p> <p>by Article 1 of Community Directive 88/77 and which complies with the requirements of items 9 or 10;</p> <p>(b) An industrial tractor, works truck or engineering plant;</p> <p>(c) Vehicles whose maximum speed is less than 50km/h;</p> <p>(d) An exempt vehicle.</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986.

Regulation 61 of the 1986 Regulations is amended so as to introduce:

- (a) compulsory compliance with the limits on emissions from light-duty vehicles first used on or after 1st October 1994 as set by Council Directive [93/59/EEC](#);
- (b) provision for such vehicles first used before the 1st October 1994 and other vehicles whenever first used to comply with those limits as an alternative to existing requirements;
- (c) provision for vehicles required to comply with various Council Directives to comply with equivalent ECE Regulations as an alternative to the Directives.

Vehicles other than light-duty vehicles were required by the 1986 Regulations to comply with the requirements of Council Directive [91/542/EEC](#) if they were first used on or after 1st October 1993. The amendments made by these Regulations postpone this requirement by one year for certain vehicles manufactured between 1st April 1991 and 1st April 1993; and for certain other vehicles manufactured between 1st April 1991 and 1st October 1993.

Copies of the EEC Directives and ECE Regulations which are relevant to these Regulations can be obtained from Her Majesty's Stationery Office. The details of the relevant EEC Directives and ECE Regulations are set out below.

Principal Instrument	Amending Instruments
Council Directive 70/220/EEC of 20th March 1970 (OJ No L76, 6.4.70, p.1) (SE 1970(I), p.171).	Council Directive 74/290/EEC of 28th May 1974 (OJ No L159, 15.6.74, p.61); Commission Directive 77/102/EEC of 30th November 1976 (OJ No L132, 3.2.77, p.32); Commission Directive 78/665/EEC of 14th July 1978 (OJ No L223, 14.8.78, p.48); Council Directive 83/351/EEC of 16th June 1983 (OJ No L197, 20.7.83, p.1); Council Directive 88/76/EEC of 3rd December 1987 (OJ No L36, 9.2.88, p.1); Council Directive 88/436/EEC of 16th June 1988 (OJ No L214, 6.8.88, p.1, to which there is a corrigendum in OJ No L303, 8.11.88, p.36); Council Directive 89/458/EEC of 18th July 1989 (OJ No L226, 3.8.89, p.1); Council Directive 91/441/EEC of 26th June 1991 (OJ No L242, 30.8.91, p.1) and Council Directive 93/59/EEC of 28th June 1993 (OJ No L186, 28.7.93, p.21).
Regulation 49 dated 15th April 1982 and annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958 (Cmnd 2535) as	Amended on 14th May 1990 and 30th December 1992.

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Principal Instrument	Amending Instruments
amended (Cmnd 3562) to which the United Kingdom is a party by an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963.	
Regulation 83 dated 5th November 1989 and annexed to that Agreement.	Amended on 30th December 1992.
