

2003 No. 1946

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
(No. 3) Regulations 2003**

Made - - - - - *28th July 2003*

Laid before Parliament *11th August 2003*

Coming into force - - *1st September 2003*

The Secretary of State for Transport, in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(a) 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. 3) Regulations 2003 and shall come into force on 1st September 2003.

Preliminary

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

Amendment to the Table in regulation 4(4) (exemptions)

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

(2) In column 3 of item 2 in the Table, after the words “regulations 7, 8, 10, 10A, 40 and 53” there shall be inserted “; and

- (a) additionally, in respect of any passenger vehicle with a maximum gross weight exceeding 10 tonnes registered in one or more member States, regulations 36A(2), 36A(7) and 36A(9);
- (b) additionally, in respect of any goods vehicle with a maximum gross weight exceeding 12 tonnes registered in one or more member States, regulations 36(B)(2), 36B(9) and 36B(11)”.

(a) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.

(b) S.I. 1986/1078; relevant amending instruments are S.I. 1988/271, 1991/1527, 1992/422, 1994/14, 1995/1201, 1997/530 and 1340.

Amendment of regulation 36A (speed limiters)

4. In regulation 36A, paragraph (9A) shall be omitted.

Amendment of regulation 36B (speed limiters)

- 5.—(1) Regulation 36B shall be amended as follows.
 - (2) In paragraph (2), for “paragraphs (5) and (14)” there shall be substituted “paragraph (14)(a)”.
 - (3) In paragraph (8), “or a paragraph (3) vehicle” shall be omitted.
 - (4) In paragraph (10), “or a speed limiter fitted at any time to a paragraph (3) vehicle” shall be omitted.

Amendment of Part II of Schedule 3B (the conditions)

- 6.—(1) Part II of Schedule 3B shall be amended as follows.
 - (2) In paragraph 6(a), for “paragraph (3)(a), (b) and (d)” there shall be substituted “paragraph (5)(b), (6) and (8)”.
 - (3) In paragraph 6(b), for “paragraph (3)(a), (b) and (d)” there shall be substituted “paragraphs (7)(b) and (10) and in addition those of paragraph (8) or (9)”.
 - (4) In paragraph 7, for “paragraph (3)(c)” there shall be substituted “paragraph (5)(a)”.
 - (5) In paragraph 8, for “paragraph (3)(c)” there shall be substituted “paragraph (7)(a)”.
 - (6) In paragraph 10, for “regulation 70B” there shall be substituted “regulation 70A”.

Signed by authority of the Secretary of State

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

28th July 2003

(a) Paragraph (5) was deleted by S.I. 1996/2064 (regulation 3(2)).

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 respect of the requirements for speed limiters on motor vehicles. (Regulation 36A(14) of the 1986 Regulations defines “speed limiter” as “a device designed to limit the maximum speed of a motor vehicle by controlling the power output from the engine of the vehicle”.)

The amendments in regulation 3 insert references to regulations 36A(2), 36A(7), 36A(9), 36B(2), 36B(9) and 36B(11) of the 1986 Regulations (which all relate to speed limiters) in column 3 of item 2 in the Table in regulation 4(4). (Regulation 4(4) provides that the regulations specified in an item in column 3 of the Table to regulation 4(4) do not apply in respect of a motor vehicle of a class specified in that item in column 2.)

The amendments in regulation 3 have the effect of excluding from the scope of the exemption in regulation 4(4) specified categories of motor vehicle brought temporarily into Great Britain by a person resident abroad. The amendments have the effect that the following categories of motor vehicle do not have the benefit of the exemption in regulation 4(4) in respect of requirements under—

(a) regulations 36A(2), 36A(7) and 36A(9) of the 1986 Regulations: any passenger vehicle with a maximum gross weight exceeding 10 tonnes registered in one or more member States of the European Union;

(b) regulations 36B(2), 36B(9) and 36B(11) of the 1986 Regulations: any goods vehicle with a maximum gross weight exceeding 12 tonnes registered in one or more member States of the European Union.

Removal of this exemption will allow enforcing authorities in Great Britain to enforce Articles 2 and 3 of Council Directive 92/6/EEC which require certain categories of motor vehicle to be fitted with speed limiters. Article 1 of European Parliament and Council Directive 2002/85/EC replaced, *inter alia*, Articles 1 to 5 of Directive 92/6/EEC.

In particular, the amendments made by regulation 3 will enable enforcing authorities to enforce the fitment requirement in respect of motor vehicles visiting Great Britain from elsewhere in the European Union. Additionally, they will enable enforcing authorities to apply effective penalties in cases of non-compliance, as required by Article 10 of European Parliament and Council Directive 2000/30/EC. Commission Directive 2003/26/EC adapted to technical progress, European Parliament and Council Directive 2000/30/EC.

Enforcement in respect of motor vehicles registered in Great Britain is already provided for under regulation 36A and 36B of the 1986 Regulations. The amendments in regulation 3 will provide for equivalent treatment in the case of motor vehicles registered in member States of the European Union other than Great Britain.

Regulation 4 omits the spent provision in regulation 36A(9A) relating to motor vehicles first used before 1st July 1998 until 1st July 1999 exclusively for transport operations in the United Kingdom.

Regulation 5 makes minor drafting corrections and amendments to regulation 36B of the 1986 Regulations.

Regulation 6 makes drafting corrections and amendments to Part II of Schedule 3B (the conditions which apply to authorised sealers) to reflect, in particular, the deletion of regulations 36A(3) and 36B(3) of the 1986 Regulations.

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

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