

2003 No. 3145

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
(No. 5) Regulations 2003**

Made - - - - - 4th December 2003

Laid before Parliament 8th December 2003

Coming into force - - 1st January 2004

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. 5) Regulations 2003 and shall come into force on 1st January 2004.

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 of regulation 32 (windcreens and other windows)

3. After regulation 32(11), there shall be inserted the following paragraph—

“(11A) Paragraphs (10) and (11) have effect in relation to any tint, film or other substance or material applied to a windscreen or window as they have effect in relation to the windscreen or window itself.”

Amendment of regulation 61 (emission of smoke, vapour, gases, oily substances etc.)

4. In regulation 61(10AB)—

- (a) the word “or” immediately after sub-paragraph (b) shall be omitted;
- (b) the word “or” shall be inserted immediately after sub-paragraph (c); and
- (c) after sub-paragraph (c) there shall be added the following sub-paragraph—
 - “(ca) a vehicle which—
 - (i) is not a passenger car,
 - (ii) is first used on or after 1st July 2002, and
 - (iii) has a maximum gross weight not exceeding 3,500kg.”

(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. 1995/2210, 1996/2085, 1998/1563, 2000/1434 and 2002/227.

Amendment of Schedule 7B (emissions from certain motor vehicles)

5.—(1) Schedule 7B shall be amended as follows.

(2) In paragraph 3—

- (a) the word “or” immediately after sub-paragraph (a) shall be omitted;
- (b) for sub-paragraph (b) there shall be substituted the following sub-paragraphs—
 - “(b) if the vehicle is not of such a description and is first used before 1st July 2002, 0.5%; or
 - (c) if the vehicle is not of such a description and is first used on or after 1st July 2002, 0.3%.”

(3) In paragraph 3A—

- (a) the word “or” immediately after sub-paragraph (a) shall be omitted;
- (b) for sub-paragraph (b) there shall be substituted the following sub-paragraphs—
 - “(b) if the vehicle is not of such a description and is first used before 1st July 2002, 0.3%; or
 - (c) if the vehicle is not of such a description and is first used on or after 1st July 2002, 0.2%.”

(4) For paragraph 8 there shall be substituted the following paragraph—

“8.—(1) This Part of this Schedule applies to a vehicle if, when subjected to a relevant test, the coefficient of absorption of the exhaust emissions from the engine of the vehicle immediately after leaving the exhaust system exceeds—

- (a) if the vehicle is first used before 1st July 2008 and the engine of that vehicle is turbo-charged, 3.0 per metre;
- (b) if the vehicle is first used before 1st July 2008 and the engine of that vehicle is not turbo-charged, 2.5 per metre; or
- (c) if the vehicle is first used on or after 1st July 2008, 1.5 per metre.

(2) In paragraph (1) “a relevant test” means a test conducted in accordance with—

- (a) point 8.2.2 of Annex II of Council Directive 96/96/EC(a) as replaced by Article 1 of Commission Directive 2003/27/EC(b); or
- (b) point 2.2 of Annex II of Directive 2000/30/EC of the European Parliament and the Council(c) as replaced by Article 1 of Commission Directive 2003/26/EC(d).”

Signed by authority of the Secretary of State

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

4th December 2003

(a) OJ No L46, 17.2.97, p 1.
(b) OJ No L90, 8.4.03, p 41.
(c) OJ No L203, 10.8.00, p 1.
(d) OJ No L90, 8.4.03, p 37.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) in relation to the visual transmission requirements for light through windscreens and windows and to the periodic and roadside exhaust emissions tests. These latter amendments implement Commission Directive 2003/27/EC which amended Council Directive 96/96/EC and Commission Directive 2003/26/EC which amended Directive 2000/30/EC of the European Parliament and of the Council.

Regulation 3 amends regulation 32 of the 1986 Regulations by the insertion of a new paragraph (11A) which expressly applies the requirements as to the visual transmission of windscreens and windows in paragraph (10), and the exceptions in paragraph (11), to any tint, film, other substance or material applied to a windscreen or window.

Regulation 4 amends regulation 61 of the 1986 Regulations so that the requirements of paragraph (10AA) apply to a non-passenger vehicle first used on or after 1st July 2002 which is not of a model listed in the Annex to the publication entitled ‘In-Service Exhaust Emission Standards for Road Vehicles’ (“the emissions publication”).

Regulation 5 amends Schedule 7B to the 1986 Regulations by introducing a default limit of 0.3% for normal idling speeds and 0.2% for fast idling speeds for vehicles propelled by spark ignition engines first used on or after 1st July 2002. It also introduces a default limit of 1.5 per metre for vehicles propelled by compression ignition engines first used on or after 1st July 2008.

Schedule 7B to the 1986 Regulations sets out the exhaust emissions limits for normal and fast idling speeds for vehicles propelled by spark ignition engines and the emission limits for vehicles propelled by compression ignition engines. Requirements for periodic and roadside exhaust emissions tests are set out in point 8.2 of Annex II to Directive 96/96/EC and point 2 of Annex II to Directive 2000/30/EC. These provisions have been respectively amended by Commission Directive 2003/27/EC and Commission Directive 2003/26/EC. Regulation 5 implements the revised requirements.

A Regulatory Impact Assessment has been prepared in respect of the amendments to regulation 61 of, and Schedule 7B to, the 1986 Regulations and copies can be obtained from the Department for Transport, Zone 4/19, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone: 020-7944 2087). Copies are being placed in the library of each House of Parliament. The Regulatory Impact Assessment does not cover the amendments to regulation 32 of the 1986 Regulations because those amendments have been made for the purposes of clarifying the existing controls. No separate transposition note has been provided since all the relevant information is contained within this Explanatory Note.

The amendments to regulation 32 of the 1986 Regulations have been notified to the European Commission pursuant to Directive 98/34/EC of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (O.J. No. L204, 21.7.98, p. 37).

Copies of the emissions publication can be obtained from the Vehicle and Operator Services Agency, Berkeley House, Croydon Street, Bristol BS5 0DA (telephone: 0117-954 3277).

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

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