

2005 No. 2987

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment) (No.3)
Regulations 2005**

<i>Made</i> - - - -	<i>27th October 2005</i>
<i>Laid before Parliament</i>	<i>2nd November 2005</i>
<i>Coming into force</i> - -	<i>12th December 2005</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 41(1) of the Road Traffic Act 1988(a).

In accordance with section 195(2) of that Act he has consulted such representative organisations as he thinks fit.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No.3) Regulations 2005 and shall come into force on 12th December 2005.

Modification of the Road Vehicles (Construction and Use) Regulations

2. The following provisions shall be added to the Road Vehicles (Construction and Use) Regulations 1986(b).

3. After regulation 41 there shall be added—

“Alternative means of compliance

41A. A minibus which is required by regulation 41 to meet the requirements specified in Schedule 6 need not meet them if it meets the requirements of such of the Annexes to Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001, relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver’s seat, and amending Directives 70/156/EEC and 97/27/EC(c), as apply to that minibus.”

4. After regulation 53B there shall be added—

(a) 1988 c.52 to which there are amendments not relevant to these regulations.
(b) S.I. 1986/1078 to which there are relevant amendments in S.I. 1987/1133 and 1989/2360.
(c) O.J. L42, 13.2.2002 p.1.

“Alternative means of compliance

53C. A coach which is required by either regulation 53A or 53B, as the case may be, to meet the requirements specified in that particular provision, need not meet them if it meets the requirements of such of the Annexes to Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001, relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver’s seat, and amending Directives 70/156/EEC and 97/27/EC, as apply to that coach..”

Signed by authority of the Secretary of State

27th October 2005

S.J. Ladyman
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078) (“the 1986 Regulations”) include provisions which prescribe construction requirements for minibuses and coaches.

It is necessary that the 1986 Regulations are modified so that compliance with Directive 2001/85/EC (OJ L42 13.2.2002 p1) (“the Directive”) is offered as an alternative, as article 2 of the Directive provides that member States shall not refuse or prohibit sale or entry into service of a vehicle, or of bodywork intended to be part of the vehicle which may be type approved separately, if the requirements of the Directive and its Annexes are met.

Regulations 3 and 4 provide that the requirements of the 1986 Regulations may alternatively be met by a vehicle satisfying such of the Annexes of Directive 2001/85/EC as apply to it.

A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. It also covers the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) (No3) Regulations 2005 (S.I. 2005/2986) and the Public Service Vehicles Accessibility (Amendment) Regulations 2005 (S.I. 2005/2988). Copies can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR. Alternatively, copies can be obtained from the Department’s website which is at www.dft.gov.uk. The Directive can be obtained from the Stationery Office (telephone: 0870 2600 5522, website: www.tsoshop.co.uk).

This Explanatory Note incorporates the Transposition Note that would otherwise be required.

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