
STATUTORY INSTRUMENTS

2005 No. 3170

**The Road Vehicles (Construction and Use)
(Amendment)(No. 5) Regulations 2005**

Amendment of regulation 36A

- 3.—(1) Regulation 36A shall be amended as follows.
- (2) In paragraph (2C), for sub-paragraph (b), there shall be substituted—
- “(b) complies with the limit values in respect of Euro III emission standards set out in Council Directive [88/77/EEC](#), as amended by amendments up to and including those effected by Commission Directive [2001/27/EC\(1\)](#).”.
- (3) For paragraph (7A) there shall be substituted—
- “(7A) A speed limiter fitted to a paragraph (2) vehicle which—
- (a) was first used before 1st January 2005 and has a maximum gross weight exceeding 10 tonnes; or
- (b) was first used before 1st October 2001 and has a maximum gross weight exceeding 7.5 tonnes but not exceeding 10 tonnes;
- may be set at a maximum speed of 100 km/h.”.
- (4) In paragraph (13)—
- (a) the word “or” immediately after sub-paragraph (a) shall be omitted; and
- (b) after sub-paragraph (b) there shall be added—
- “(c) which is owned by the Secretary of State for Defence and used for naval, military or air force purposes;
- (d) which is used for naval, military or air force purposes while being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown; or
- (e) while it is being used for fire and rescue authority purposes or for or in connection with the exercise of any function of a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005(2), for ambulance purposes or police purposes.”.
- (5) In paragraph (14), in the appropriate alphabetical position, the following definition shall be added—
- ““Euro III emission standards” means the emission limits given in rows A of the tables in section 6.2.1 of Annex 1 to Directive [1999/96/EC](#) of the European Parliament and of the Council(3) (amending Council Directive [88/77/EEC](#));”.

(1) OJNo. L107, 18.4.2001, p.10.[DfT 13723]

(2) [2005 asp5](#).

(3) OJ No. L44, 16.2.2000, p1.