STATUTORY INSTRUMENTS

2017 No. 849

ROAD TRAFFIC

The Goods Vehicles (Plating and Testing) (Miscellaneous Amendments) Regulations 2017

Made - - - -	*11th September 2017*
Laid before Parliament	*14th September 2017*
Coming into force - -	*20th May 2018*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 49, 51 and 63A of the Road Traffic Act 1988(**a**) and by section 2(2) of the European Communities Act 1972(**b**).

The Secretary of State is a Minister designated(**c**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme.

In accordance with section 195(2) of the Road Traffic Act 1988 the Secretary of State has consulted with such representative organisations as the Secretary of State thinks fit.

Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Plating and Testing) (Miscellaneous Amendments) Regulations 2017 and come into force on 20th May 2018.

Amendment of the Road Traffic Act 1988

2. The Road Traffic Act 1988 is amended as follows.

3. In section 53—

(a) in subsection (1)—

(i) omit "goods" in each place where it occurs,

(ii) in paragraph (a) for "regulations under section 49 of this Act" substitute "relevant regulations",

(**a**) 1988 c.52; section 49 was amended by paragraph 54 of Schedule 4 to the Road Traffic Act 1991 (c.40) and by S.I. 2016/248; section 51 was amended by paragraph 1 of Schedule 8 to the Road Traffic Act 1991 and by paragraph 27 of Part 6 of Schedule 10 to the Deregulation Act 2015 (c.20); section 63A was inserted by section 108 of the Transport Act 1982 (c.49). See section 85 for the definition of "prescribed".

(**b**) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by paragraph 1 of Schedule 1 to the European Union (Amendment) Act 2008 (c.7).

(**c**) S.I. 1972/1811.

(b) in subsection (2)—

(i) in paragraph (a) for "goods vehicle of" substitute "vehicle of",

(ii) also in paragraph (a) for "regulations under section 49 of this Act" substitute "relevant regulations",

(iii) in paragraph (b) for "goods vehicle of" substitute "vehicle of",

(iv) for "any goods vehicle" substitute "any vehicle",

(c) in subsection (3)—

(i) omit "goods" in both places where it occurs,

(ii) for "regulations under section 49 of this Act" substitute "relevant regulations",

(d) in subsection (4) for "regulations under section 49 of this Act" substitute "relevant regulations",

(e) after subsection (5) insert—

"(6) In this section "relevant regulations" means regulations made—

(a) under section 49 of this Act, or

(b) for the purposes of implementing Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers.".

4. In section 67—

(a) for subsection (3B) substitute—

"(3B) This subsection applies to—

(a) vehicles—

(i) in categories M2 and M3,

(ii) in categories O3 and O4,

as defined in Annex II to the road vehicles type approval Directive,

(b) vehicles in categories N2 and N3, as defined in article 2(1) of Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers, and

(c) vehicles in category T, as defined in Article 4(1) of the tractor type approval Regulation.",

(b) for subsection (9A) substitute—

"(9A) In subsection (3B)(c) "the tractor type approval Regulation" means Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles.".

Amendment of the Goods Vehicles (Plating and Testing) Regulations 1988

5. The Goods Vehicles (Plating and Testing) Regulations 1988(**a**) are amended as follows.

6. In regulation 3(1) in the definition of "appropriate day"—

(a) at the beginning insert—

"(aa) in relation to a category T tractor, the last day of the calendar month in which falls the fourth anniversary of the date on which it was registered;",

(b) in paragraph (a) after "motor vehicle" insert "(other than a category T tractor)".

7. For regulation 4 substitute—

(**a**) S.I. 1988/1478. Relevant amendments were made by S.I. 1990/448, 1991/252, 1993/2048, 1994/328, 1997/263, 1998/3113, 2004/1873, 2009/3220 and 2013/271.

"**Application**

4.—(1) Subject to paragraph (2), these Regulations apply to—

(a) goods vehicles being—

(i) heavy motor cars and motor cars constructed or adapted for the purpose of forming part of an articulated vehicle;

(ii) other heavy motor cars;

(iii) other motor cars, the design gross weight of which exceeds 3500 kilograms;

(iv) semi-trailers;

(v) converter dollies of any unladen weight manufactured on or after 1st January 1979; or

(vi) trailers, not being converter dollies or semi-trailers, the unladen weight of which exceeds 1020 kilograms;

(b) category N2, and category N3, vehicles which do not fall within paragraph (a);

(c) category O3, and category O4, vehicles which do not fall within paragraph (a);

(d) category T tractors which do not fall within paragraph (a).

(2) For the purposes of these Regulations, vehicles falling within paragraph (1)(b), (c) or (d) are treated as if they were goods vehicles, and any reference to a "goods vehicle" (other than in this paragraph and paragraph (1)), is to be construed accordingly.

(3) In these Regulations—

"category N2 vehicle" means a vehicle designed and constructed primarily for the carriage of goods and having a maximum weight exceeding 3.5 metric tons but not exceeding 12 metric tons;

"category N3 vehicle" means a vehicle designed and constructed primarily for the carriage of goods and having a maximum weight exceeding 12 metric tons;

"category O3 vehicle" means a trailer with a maximum weight exceeding 3.5 metric tons but not exceeding 10 metric tons;

"category O4 vehicle" means a trailer with a maximum weight exceeding 10 metric tons;

"category T tractor" means a vehicle in "category T" as defined in Article 4(1) of Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles(**a**).

(4) Nothing in these Regulations applies to any vehicles specified in paragraph (1) which fall within any of the classes of vehicle specified in Schedule 2.".

8. In regulation 9—

(a) in paragraph (1) after "paragraph (3)" insert "or paragraph (3A)",

(b) in paragraph (2) for "Every motor vehicle to which paragraph (3) does not apply and every trailer" substitute "Every motor vehicle and trailer to which neither of paragraphs (3) and (3A) applies",

(c) in paragraph (3) after "motor vehicle" insert " or trailer",

(d) after paragraph (3) insert—

"(3A) This paragraph applies to a motor vehicle or trailer for which a plating certificate is not required, in accordance with regulation 20(1A).".

9. In regulation 11—

(**a**) OJ L 60, 2.3.2013, p.1.

(a) in paragraph (1) at the beginning insert "Subject to paragraph (1A),",

(b) after the Table in paragraph (1) insert—

"(1A) A goods vehicle test certificate issued in relation to a category T tractor in the circumstances described in column (2) of an item in the Table above shall be valid for the period described in column (3) of that item, with the modifications that—

(a) for "first anniversary" in items 1 and 2 there is substituted "second anniversary" and,

(b) for "in the following year" in item 3 there is substituted "two years later".".

10. In regulation 20—

(a) in paragraph (1) at the beginning insert "Subject to paragraph (1A),",

(b) after paragraph (1) insert—

"(1A) Paragraph (1) does not apply where a vehicle examiner has determined that a plating certificate is not required.".

11. In regulation 22 after "on a vehicle," insert "or in any case where a plating certificate is not required, in accordance with regulation 20(1A),".

12. For regulation 42B substitute—

"**Review**

42B.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in—

(i) regulations 4, 9, 11, 20, 22, and 44(1)(e),

(ii) regulation 44(2) in so far as it relates to the use of vehicles on the island of Bute,

(iii) paragraphs 4 and 5 of Schedule 1,

(iv) Schedule 2, and

(v) the prescribed construction and use requirements in Schedule 3, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 20th May 2023.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(**a**) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers(**b**) is implemented in other member States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(**a**) 2015 c.26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c.12).
(**b**) OJ L127 29.4.14, p51.

(6) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).".

13. In regulation 44—

(a) in paragraph (1)(e) at the end insert ", except in circumstances where the order provides that those provisions apply, in whole or in part, to the use of the vehicle",

(b) in paragraph (2) after "the islands of" insert "Bute,".

14. In Schedule 1—

(a) in paragraph 4 after "1982" insert " but before 1st January 2012",

(b) after paragraph 4 insert—

"**5.** The minimum braking force capable of being developed by the brakes of a trailer manufactured on or after 1st January 2012 should in the case of—

(a) a trailer, not being a semi-trailer, be 0.5 W;

(b) a semi-trailer, be 0.45 W.".

15. In Schedule 2—

(a) omit paragraphs 2 to 6,

(b) for paragraph 7 substitute—

"**7.** Road rollers.",

(c) in paragraph 10 at the end insert "first registered before 1st March 2015",

(d) for paragraph 17 substitute—

"**17.** Category T tractors, except those that are—

(a) capable by their design and construction of exceeding 40 kilometres per hour,

(b) used for the haulage of a load or burden more than 15 miles from their operating base, and

(c) where the haulage of the load or burden is not in relation to an agriculture, horticulture or forestry operation,

where "operating base" means the premises occupied by the keeper of the tractor at which the keeper carries out haulage work using that tractor, or the premises at which the keeper is employed.

17A. Agricultural motor vehicles (not being category T tractors) and agricultural trailed appliances.",

(e) omit paragraph 26,

(f) in paragraph 30 after "and used unladen" insert ", and which have not undergone substantial changes in the technical characteristics of their main components",

(g) omit paragraph 35,

(h) after paragraph 37 insert—

"**38.** Mobile machinery, being any self-propelled vehicle which is designed and constructed specifically to perform work which, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods. Machinery mounted on a motor vehicle chassis shall not be considered mobile machinery.

39. Showman's vehicles and showman's goods vehicles (as defined in section 62(1) of the Vehicle Excise and Registration Act 1994(**a**)) and only operating in Great Britain.

40. Vehicles with a maximum design speed of less than 15.5 miles per hour.".

(**a**) 1994 c.22.

16.—(1) In Part I of Schedule 3—

(a) in Table I in paragraph 1—

(i) in the entry for item 4, in the second column after "30" add "to 32", and in the third column after "View to the front" insert "and condition of glass",

(ii) in the entry for item 14, in the second column after "61" insert "and 61A",

(b) in Table II in paragraph 2—

(i) in the entry for item 17, in the fourth column omit ", front fog lamps, reversing lamps",

(ii) in the entry for item 18, in the fourth column after "indicators;" insert "hazard warning lamps; front and", and after "stop lamps;" insert "reversing lamps;",

(iii) in the entry for item 19, in the fourth column omit ", front fog lamps, reversing lamps",

(c) after paragraph 3B insert—

"**3C.** For the purposes of this Part, a category T tractor is deemed to be driven at more than 40 kilometres per hour if its design speed exceeds 40 kilometres per hour.".

(2) In Part II of Schedule 3, at the end of paragraph 4 add—

";

steering lock".

Signed by authority of the Secretary of State for Transport

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

11th September 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Goods Vehicles (Plating and Testing) Regulations 1988 ("the 1988 Regulations") make provision about the examination of goods vehicles by persons authorised by the Secretary of State, and for test certificates to be issued for goods vehicles that are found to meet prescribed requirements.

These Regulations amend the 1988 Regulations to give effect to the requirements of Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers, and come into force on 20th May 2018.

The Regulations amend regulation 4 of, and Schedule 2 to, the 1988 Regulations to bring certain heavy goods vehicles (category N2 and N3 vehicles), trailers (category O3 and O4 trailers) and tractors used for haulage (category T tractors) within the scope of the 1988 Regulations. They amend the 1988 Regulations to provide for the validity of a test certificate for category T tractors, and to enable a vehicle examiner to determine in certain circumstances that a plate is not required. They update the vehicle construction requirements which are to be examined during periodic testing.

These Regulations also amend section 67 of the Road Traffic Act 1988. Section 67(3B) provides that a constable in uniform may require a vehicle to stop for a test if the vehicle appears to fall within one of certain categories of vehicle. The amendment to section 67 substitutes references to the categories of vehicle within the scope of the amended 1988 Regulations to give effect to the requirements of Directive 2014/47/EU of the European Parliament and the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union. These Regulations also amend section 53 of the Road Traffic Act 1988, which contains offence provisions relating to the use of goods vehicles without a goods vehicle test certificate required by the 1988 Regulations. The amendments to section 53 are necessary to bring the new categories of heavy goods vehicles within the scope of the offence provisions.

An impact assessment of the effect of introducing roadworthiness testing for specialised heavy vehicles will have on the costs of business, the voluntary sector and the public sector is available from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR. A copy may be obtained from the Department for Transport website (www.gov.uk/government/organisations/department-for-transport). An Explanatory Memorandum and a Transposition Note are published alongside the instrument on www.legislation.gov.uk. The Directive referred to above is published at http://eur-lex.europa.eu.

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