STATUTORY INSTRUMENTS

1980 No. 139

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1980

Made - - - -	*4th February* 1980
Laid before Parliament	*15th February* 1980
Coming into Operation	*7th March* 1980

The Minister of Transport, in exercise of the powers conferred by section 40(1) and (3) of the Road Traffic Act 1972(a) and now vested in him (b), and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of that Act, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 7th March 1980, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1980.

2. The Motor Vehicles (Construction and Use) Regulations 1978(c) shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 5, in the Table—

(*a*) in item No. 2 the words "1st October 1976" shall be inserted in column 4(*a*);

(*b*) in item No. 2A the words "1st October 1980" shall be inserted in column 4(*a*) and the words "1st April 1981" shall be inserted in column 4(*b*);

(*c*) in item No. 2B the words "1st October 1981" shall be inserted in column 4(*a*) and the words "1st April 1982" shall be inserted in column 4(*b*); and

(*d*) after item No. 2B there shall be inserted the following new item—

"2C	and as amended by 78/665/ EEC	14th July 1978	O.J. L223, 14.8.1978 p. 48	Measures to be taken against air pollution by gases from spark ignition engines of motor vehicles.	1st January 1979			36 ".

(a) 1972 c. 20. (b) S.I. 1979/571.
(c) S.I. 1978/1017; the relevant amending Instrument is S.I. 1978/1263.

4. In Regulation 36—

(*a*) in paragraph (5), for sub-paragraphs (*e*) and (*f*) there shall be substituted the following sub-paragraphs: —

"(*e*) a vehicle with less than four wheels, if—

(i) it is not so constructed as to be capable of exceeding a speed of 30 miles per hour on the level under its own power, or

(ii) it has only two wheels and is manufactured on or after 1st October 1981 and first used on or after 1st April 1982, or

(iii) it has an unladen weight of less than 400 kilograms and is manufactured on or after 1st October 1981 and first used on or after 1st April 1982, or

(iv) it has a laden or unladen weight which does not exceed 400 kilograms and is manufactured before 1st October 1981 or first used before 1st April 1982;

(*f*) a vehicle—

(i) which has a maximum gross weight, ascertained in accordance with Schedule 2, exceeding 3,500 kilograms and is manufactured on or after 1st October 1981 and first used on or after 1st April 1982, or

(ii) the weight of which, whether laden or unladen, exceeds 3,500 kilograms and which is manufactured before 1st October 1981 or first used before 1st April 1982; or"; and

(*b*) for paragraphs (6) and (7) there shall be substituted the following paragraph: —

"(6) Every vehicle to which this Regulation applies and which is of a class specified at an item in column 2 of the Table below shall be legibly and indelibly marked in a conspicuous and readily accessible position with a marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979(**a**) and shown at the item in Schedule 2 to those Regulations which is specified in relation to that class of vehicle in column 3 of the said table.

(**a**) S.I. 1979/1088.

TABLE

1	2	3
Item Number	Class of Vehicle	Designated Approval Mark
1.	Vehicles (i) manufactured on or after 20th September 1973 and first used on or after 10th November 1973 and (ii) manufactured before 1st October 1976 or first used before 1st April 1977.	15, or 15A, or 15B.
2.	Vehicles (i) manufactured on or after 1st October 1976 and first used on or after 1st April 1977 and (ii) manufactured before 1st October 1980 or first used before 1st April 1981.	15A, or 15B, or 15C.
3.	Vehicles (i) manufactured on or after 1st October 1980 and first used on or after 1st April 1981 and (ii) manufactured before 1st October 1981 or first used before 1st April 1982.	15B, or 15C.
4.	Vehicles manufactured on or after 1st October 1981 and first used on or after 1st April 1982.	15C.

.".

4th February 1980.

Norman Fowler,
Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations amend the provisions in the Motor Vehicles (Construction and Use) Regulations 1978 relating to the emission of gaseous pollutants from spark ignition engined motor vehicles specified in Regulation 36 of those Regulations (that is, most petrol-engined vehicles).

2. As a result of the amendments to Regulation 36—

(1) vehicles (i) manufactured on or after 1st October 1980 and first used on or after 1st April 1981 and (ii) manufactured before 1st October 1981 or first used before 1st April 1982 will be required to be marked with a marking designated as an approval mark by the Motor Vehicles (Designation of Approval Marks) Regulations 1979, and shown at item 15B or 15C in Schedule 2 to those Regulations, and

(2) vehicles manufactured on or after 1st October 1981 and first used on or after 1st April 1982 will be required to be marked with the marking shown at the said item 15C.

3. The markings mentioned in paragraph 2 above indicate that the vehicle satisfies the requirements concerning the emission of carbon monoxide, hydrocarbons and oxides of nitrogen in the 02 or the 03 series of amendments to Regulation No. 15 of the United Nations Economic Commission for Europe (which Regulation is annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicles Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958, as amended, to which the United Kingdom is a party).

4. These Regulations also amend, so as to achieve greater accuracy and less uncertainty, the class of vehicles to which the said marking requirements do not apply.

5. These Regulations amend Regulation 5 of the said Regulations of 1978. The effect of the amendments to Regulation 5 is to allow, as an alternative to bearing one of the markings referred to in paragraph 2 above, approval in accordance with Commission Directive 77/102/EEC or Commission Directive 78/665/EEC. The requirements of these Directives are respectively technically identical to the requirements in the United Nations Economic Commission for Europe Regulation 15-02 and 15-03 mentioned above.