EXPLANATORY MEMORANDUM TO

THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT ETC.) (NO. 2) REGULATIONS 2017

2017 No. 1251

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend Schedule 7B to the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078) ("the 1986 Regulations") to mandate the requirements relating to emissions which are contained in the 19th edition of the "In Service Exhaust Emission Standards for Road Vehicles" booklet ("the emissions publication"). This document is now updated biennially. The booklet defines emissions limits to be met by cars and other light duty vehicles at MOT and roadside tests. The publication includes vehicles that have been newly introduced onto the UK market since the last edition was published.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 These Regulations are made under powers conferred by section 41(1), (2)(b) and (5) of the Road Traffic Act 1988.

4.2 Regulation 61 of, and Schedule 7B to, the 1986 Regulations set emissions requirements for road vehicles. Test requirements for vehicles fitted with petrol engines and catalytic converters are set out in the emissions publication in accordance with information supplied by manufacturers. The requirements are enforced by means of the annual MOT test and random roadside tests.

4.3 New editions of the emissions publication are published to include requirements for models which have come onto the market since the previous edition. They also revise certain information on some existing models to reduce the risk of erroneous test failures.

5. Extent and Territorial Application

5.1 The extent of this instrument is Great Britain.

5.2 The territorial application of this instrument is Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The majority of road vehicles are subject to a metered emissions check at the MOT test to ensure that they have been maintained to an appropriate standard and their emissions are not excessive. The emissions publication lists the emissions requirements for models of petrol vehicles equipped with catalytic converters where such information is provided by the manufacturer. Where information on emissions requirements is not provided by the manufacturer, default limits specified in Schedule 7B to the 1986 Regulations apply. The MOT emissions testing regime has been in place since 1992 and is well established.

7.2 These Regulations have the effect of updating the data that is used to carry out emissions testing, and do not impose any additional requirements on businesses, the voluntary sector, or the public.

Consolidation

7.3 The Department has no current plans to consolidate the instrument amended by these Regulations, and does not consider that it would be proportionate to do so now.

8. Consultation outcome

8.1 The Department for Transport consulted a small group of targeted stakeholders on the emissions aspect of the Regulations and the content of the emissions publication. The organisations consulted included motoring organisations, vehicle manufacturers, and trade associations. Public consultation on the amendments to the emissions publication was reduced from the normal 12 week period to 3 weeks because of the close involvement of vehicle manufacturers in providing the data. At the consultation stage the Department contacted 6 organisations from which one reply was received.

8.2 The consultee welcomed the proposals.

8.3 There was a delay in the making of the S.I. in October 2016 because of consideration of the need to notify the European Commission of this publication in accordance with the Technical Standards and Regulations Directive (2015/1535/EU). We notified the Commission on 6th June 2017 which included a standstill period of 3 months that ended on 8th September. The consultation is still valid as there is no reason to think that the consultees have changed their views. During the standstill period the opportunity was also taken to update the emissions data.

9. Guidance

9.1 In terms of implementation, this is the eighteenth occasion on which we have updated the emissions publication. The last occasion was in 2014. Those affected by this change will be familiar with what is required in order to implement the changes.

9.2 Furthermore, the Department has engaged with industry stakeholders in advance of the consultation, so they will be aware that the change is coming in the near future. We will also be circulating the updated publication in advance so that those affected

can make the changes needed to systems and software before the S.I. comes into force.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses. No additional financial impacts for small business are envisaged as a result of this instrument.

12. Monitoring & review

12.1 The Department for Transport liaises regularly with the Driver and Vehicle Standards Agency and the Vehicle Certification Agency on the operation of the emissions requirements in relation to MOT and roadside testing.

13. Contact

13.1 Dwight Lobban at the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR, Tel: 020 7944 2097 or email: dwight.lobban@dft.gsi.gov.uk can answer any queries regarding the instrument.