EXPLANATORY MEMORANDUM TO

THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT No. 2) REGULATIONS 2014

2014 No. 1862

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

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 18th edition of the "In Service Exhaust Emission Standards for Road Vehicles" booklet ("the emissions publication"). This document has been updated annually since 1995, albeit with some delays. However, it is intended to issue the publication biennially in future. 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 the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 These Regulations are made under powers conferred by section 41(1), (2) 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. Territorial Extent and Application

This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to the 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 1968 Regulations apply. The MoT emissions testing regime has been in place since 1992 and is well established. These Regulations introduce no new additional requirements and therefore public interest is likely to be minimal.

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 8 organisations from which 6 replies were received.

8.2 Two of the consultees raised objections to the reduced frequency of the emissions publication. Otherwise, they either welcomed the proposals or confirmed receipt of the documents.

9. Guidance

9.1 In respect of the emissions publication, this is set out in the form of a letter to vehicle manufacturers requesting the provision of information on in-service emissions limit values and new model types in their product range for passenger cars, large passenger cars, light goods vehicles or multi-purpose vehicles. An Annex to the letter sets out in detail what is required and explains how to determine which model types to include in their submission and how the vehicles will be tested. A pro-forma is also attached to supply the data to the Vehicle Certification Agency.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

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

11. Regulating small business

The instrument applies to small business. No additional financial impacts for small business are envisaged as a result of this instrument.

12. Monitoring & review

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

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 for any queries regarding the Road Vehicles (Construction and Use) (Amendment No. 2) Regulations 2014.