EXPLANATORY MEMORANDUM TO THE

ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) REGULATIONS 2005

2005 No. 1641

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

2. Description

These Regulations amend Schedule 7B of the Road Vehicles (Construction and Use) Regulations 1986 in the light of the publication of the 2005 version of the "In Service Exhaust Emission Standards for Road Vehicles" booklet (the "emissions publication"). This document has been produced annually in updated form since 1993 and the Regulations will apply the 11th edition. It defines acceptable emissions limits for cars and light duty vehicles at MoT and Roadside tests. This new emissions publication includes vehicles that have been newly introduced onto the UK market since the previous edition was published.

3. Matters of special interest to the Select Committee on Statutory Instruments

None

4. Legislative Background

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 and Schedule 7B of the Road Vehicles (Construction and Use) Regulations 1986 set emission requirements for road vehicles. Test requirements are laid down in Schedule 7B, which for petrol vehicle fitted with catalytic converters are those listed in the emissions publication. These are enforced at the annual MoT test and at random roadside tests.

4.3 A new edition of the emissions publication is published every August to include requirements for models which have come onto the market over the previous year. It also revises certain information on some existing models to reduce the risk of erroneous test failures.

5. Extent

This instrument applies to Great Britain.

6. European Convention on Human Rights

This instrument is subject to negative procedure and does not amend primary legislation. Therefore, no statement as to compatibility has been made.

7. Policy background

7.1 The majority of road vehicles are subject to a metered emissions check at MoT tests to enforce maintenance and environmental standards. The emissions publication lists the requirements for models of petrol vehicle equipped with catalytic converters as provided by the manufacturer. Where details are not provided by the manufacturer default limits apply.

7.2 The MoT emissions testing regime has been in place for several years and is now well established. These Regulations introduce no new additional requirements, and therefore public interest in this is likely to be minimal. Nevertheless the Department has consulted widely on these Regulations and the content of the emissions publication, and no objections were raised.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

Dwight Lobban at the Department for Transport (tel: 020 7944 2097 or email: dwight.lobban@dft.gsi.gov.uk) can answer any queries regarding the instrument.