EXPLANATORY MEMORANDUM TO

THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) REGULATIONS 2008

2008 1702

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 to apply the 14th edition of the In Service Exhaust Emission Standards for Road Vehicles booklet (the "emissions publication"). This defines emissions limits to be met by 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 Joint Committee on Statutory Instruments

None.

4. Legislative Background

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

Regulation 61 and Schedule 7B of the Road Vehicles (Construction and Use) Regulations 1986 set emission requirements for vehicles being used on the road. The requirements of the test are laid down in Schedule 7B, which for petrol vehicles fitted with catalytic converters are those listed in the emissions publication. These are enforced at the annual MoT test, and at random roadside tests.

A new edition of the emissions publication is published annually 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 potential for erroneous test failures.

5. Territorial Extent and Application

These Regulations extend only to Great Britain. They do not extend to Northern Ireland.

6. European Convention on Human Rights

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

7. Policy Background

The majority of road vehicles are subject to a metered emissions check at MoT to ensure that they have been maintained to an appropriate standard and emissions are not excessive. The emissions publication lists the requirements for models of petrol vehicle equipped with catalytic converters as provided by the manufacturer. Where requirements are not provided

by the manufacturer default limits apply. The emissions testing regime at MoT has been in place for many 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

No Impact Assessment has been prepared as these regulations impose no additional costs on industry or the voluntary sector. They impose no additional costs on the Exchequer.

9.Contact

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