

2013 No. 271

ROAD TRAFFIC

**The Road Vehicles (Testing) (Miscellaneous Amendments)
Regulations 2013**

<i>Made</i> - - - -	<i>12th February 2013</i>
<i>Laid before Parliament</i>	<i>14th February 2013</i>
<i>Coming into force</i> - -	<i>20th March 2013</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 41(1) and (2)(g), 45(1) and (2), 46(1)(j), 49(1) and (2), and 51(1)(h) of the Road Traffic Act 1988(a) (“the 1988 Act”) and section 2(2) of the European Communities Act 1972(b) (“the 1972 Act”).

The Secretary of State is a Minister designated for the 1972 Act in relation to—

- (a) regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme(c); and
- (b) testing the roadworthiness of motor vehicles and their trailers(d).

Representative organisations have been consulted in accordance with section 195(2)(e) of the 1988 Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Road Vehicles (Testing) (Miscellaneous Amendments) Regulations 2013.

(2) These Regulations come into force on 20th March 2013.

(a) 1988 c.52; section 41 was amended by the Road Traffic Act 1991 (c.40), section 48 and Schedule 4, paragraph 50, and section 83 and Schedule 8.

(b) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(c) S.I. 1972/1811.

(d) S.I. 1977/1718.

(e) Section 195(2) was amended by the Road Safety Act 2006 (c.49) sections 42 and 59 and Schedule 6, paragraphs 1 and 30 and Schedule 7. On the date these Regulations are being made, these amending provision are have not been commenced.

PART 1

Amendment of Regulations

2. The Road Vehicles (Construction and Use) Regulations 1986^(a) are amended in accordance with the provisions of this Part of these Regulations.

Maintenance and efficiency of brakes

3.—(1) Table I in regulation 18(3) is amended as follows.

(2) In column 2 of item 1, after “A vehicle”, insert “, not included in item 1A,”.

(3) After item 1, insert—

“1A	A vehicle of a class specified in item 1 of the Table in regulation 15 and first used on or after 25th July 2010.	58 29”	
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Duty to Review

4. After regulation 18, insert—

“Review of regulation 18

18A.—(1) The Secretary of State must—

- (a) conduct a review of the operation and effect of those provisions of regulation 18 that relate to the efficiency of brakes;
- (b) set out the conclusions of the review in a report; and
- (c) publish a report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how, insofar as it relates to braking efficiencies, Directive 2009/40/EC^(b) is implemented in other member States of the EU.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by those provisions of regulation 18 that relate to the efficiency of brakes;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before 20th March 2018.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”.

^(a) S.I. 1986/1078; relevant amending instruments are S.I. 1995/551 and 2001/3208.

^(b) Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (OJ L141, 6.6.2009, p.12) as amended by Commission Directive 2010/48/EU of 5 July 2010 (OJ L173, 8.7.2010, p.47).

PART 2

Amendment of Regulations

5. The Goods Vehicles (Plating and Testing) Regulations 1988(a) are amended in accordance with the provisions of this Part of these Regulations.

Fees for re-tests

6. In regulation 16(6)(c)(iii), for “paragraph 3” substitute “paragraphs 3, 3A and 3B”.

Schedule 3 (The Prescribed Construction and Use Requirements)

7. In Schedule 3, Part I, after paragraph 3, insert—

“3A. The requirements contained in regulations 5, 6, 7, 9 to 11, and 13 to 15 of the Road Vehicles (Display of Registration Marks) Regulations 2001(b).

3B. The registration mark displayed on the vehicle is in accordance with the records held for that vehicle by the Secretary of State.”.

8.—(1) In Schedule 3, Part II, in paragraph 4—

(a) for “battery”, substitute “battery, including its ventilation and any connected switches or fuses”; and

(b) after “load securing devices” add—

“;

electrical connections between a vehicle and its trailer;

the supplementary restraint system, including safety belt pre-tensioners, safety belt load limiters and air bags;

the electronic stability control”.

Duty to Review

9. After regulation 42A, insert—

“Review of the prescribed requirements for tests

42B.—(1) The Secretary of State must—

(a) conduct a review of the operation and effect of the prescribed construction and use requirements in Schedule 3;

(b) set out the conclusions of the review in a report; and

(c) publish a report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how, insofar as it relates to the prescribed construction and use requirements, Directive 2009/40/EC(c) is implemented in other member States of the EU.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the prescribed construction and use requirements in Schedule 3;

(a) S.I. 1988/1478; relevant amending instruments are S.I. 1993/2048, 2003/1816, 2004/1873 and 2009/3220.

(b) S.I. 2001/561; relevant amending instruments are S.I. 2001/1079, 2002/2687 and 2009/811.

(c) Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (OJ L141, 6.6.2009, p.12) as amended by Commission Directive 2010/48/EU of 5 July 2010 (OJ L173, 8.7.2010, p.47).

- (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before 20th March 2018.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”.

PART 3

Amendment of Regulations

10. The Motor Vehicles (Tests) Regulations 1981(a) are amended in accordance with the provisions of this Part of these Regulations.

Fees for examinations

11. In regulation 20(3A)(b)—

- (a) after “audible warning instruments;”, insert “batteries;”; and
- (b) after “doors and other openings;”, insert “electrical wiring;”.

Schedule 2 (The Prescribed Statutory Requirements)

12.—(1) In Schedule 2, paragraph 2, after sub-paragraph (d), insert—

“(e) The registration mark displayed on the vehicle is in accordance with the records held for that vehicle by the Secretary of State.”.

(2) In the table in paragraph 3(b), after item 28, insert—

“28XA	100(1) (insofar as it relates to the condition of the electrical wiring and its insulation, or how such wiring is secured to the vehicle).	Electrical wiring
28XB	100(1) (insofar as it relates to the condition of the battery, including its ventilation and any connected switches or fuses, fitted to a vehicle, or how the battery is secured to the vehicle).	Batteries
28XC	100(1) (insofar as it relates to the condition of the electrical connections between a vehicle and its trailer).	Electrical connection between a vehicle and its trailer.
28XD	100(1) (insofar as it relates to the condition of a vehicle’s supplementary restraint system, including safety belt pre-tensioners, safety belt load limiters and air bags).	Supplementary restraint system
28XE	100(1) (insofar as it relates to	Electronic stability control”

(a) S.I. 1981/1694; relevant amending instruments are 1991/2229, 1992/3160, 1998/1672 and 2007/506.

	the condition of a vehicle's Electronic Stability Control).	
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- (3) In paragraph 3A(a), for “28” substitute “28XE”.
- (4) In paragraph 4(a), for “28 in paragraphs 1 and 2 above” substitute “28XE in paragraphs 1 to 3 above”.
- (5) In paragraph 5(a), after “26,”, insert “27,”.
- (6) In paragraph 5A(a), after “26,”, insert “27,”.

Duty to Review

13. After regulation 30, insert—

“Review of the prescribed requirements for tests

- 31.—(1) The Secretary of State must—
- (a) conduct a review of the operation and effect of the prescribed statutory requirements in Schedule 2;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish a report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how, insofar as it relates the prescribed statutory requirements, Directive 2009/40/EC(a) is implemented in other member States of the EU.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the prescribed construction and use requirements;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before 20th March 2018.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”.

Signed by authority of the Secretary of State

12th February 2013

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport

(a) Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (OJ L141, 6.6.2009, p.12) as amended by Commission Directive 2010/48/EU of 5 July 2010 (OJ L173, 8.7.2010, p.47).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Tests) Regulations 1981 (“the 1981 Regulations”), the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) and the Goods Vehicles (Plating and Testing) Regulations 1988 (“the 1988 Regulations”) in order to implement Directive 2010/48/EU of the European Parliament and of the Council of 5 July 2010 on roadworthiness tests for motor vehicles and their trailers (“the 2010 Directive”). The 2010 Directive imposes some additional requirements to be included in annual roadworthiness tests in Great Britain.

Part I of the Regulations amends the 1986 Regulations. *Regulation 3* amends the braking efficiencies for M1 vehicles bringing them into line with the efficiencies specified in the 2010 Directive. A M1 vehicle is a passenger vehicle with no more than eight seats in addition to the driver’s seat. *Regulation 4* inserts into the 1986 Regulations a requirement for the Secretary of State to review the operation and effect of those provisions in regulation 18 relating to the efficiency of brakes, and to publish a report. A report must be published five years after these Regulations come into force, and further reports must be published every five years thereafter. Following each review, the Secretary of State will decide whether the provisions relating to the efficiency of brakes should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend those provisions.

Part II of the Regulations amends the 1988 Regulations. *Regulations 6 and 7* make compliance with the Road Vehicles (Display of Registration Marks) Regulations 2001 part of the annual roadworthiness test, and provide for a free re-test of any vehicle that fails its annual roadworthiness test as a result of a failure to comply with those Regulations. *Regulation 8* adds requirements for batteries, electrical connections, supplementary restraint systems and electronic stability control to the prescribed construction and use requirements set out in Part II of Schedule 3 in order to ensure that these new requirements form part of the annual roadworthiness test. *Regulation 9* inserts into the 1988 Regulations a requirement for the Secretary of State to review the operation and effect of the prescribed construction and use requirements in Schedule 3, and to publish a report. A report must be published five years after these Regulations come into force, and further reports must be published every five years thereafter. Following each review, the Secretary of State will decide whether the provisions relating to the prescribed construction and use requirements should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend those provisions.

Part III of the Regulations amends the 1981 Regulations. *Regulation 11* adds the battery and electrical wiring as matters for which a free retest of a vehicle will be allowed. *Regulation 12* amends the Table in paragraph 3 of Schedule 2 to add requirements for batteries, electrical connections and wiring, supplementary restraint systems and electronic stability control to the prescribed statutory requirements for Class IV vehicles and makes further amendments to ensure that such requirements apply to Classes IVa, V, VI and VIa vehicles.

Regulation 13 inserts into the 1981 Regulations a requirement for the Secretary of State to review the operation and effect of the prescribed statutory requirements in Schedule 3, and to publish a report. A report must be published five years after these Regulations come into force, and further reports must be published every five years thereafter. Following each review, the Secretary of State will decide whether the provisions relating to the prescribed statutory requirements should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend those provisions.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and a transposition note setting out how these Regulations transpose the provisions of Directive 2010/48/EU are available from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR and are annexed to the Explanatory

Memorandum which is available alongside this instrument on the website, www.legislation.gov.uk.

A copy of Directive 2010/48/EU may be downloaded without charge from EURLEX, the European Law website (<http://eur-lex.europa.eu/en/index.htm>).

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STATUTORY INSTRUMENTS

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£5.75

E5758 02/2013 135758T 19585

ISBN 978-0-11-153452-6



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