
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 363

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Type Approval) (Amendment)
Regulations (Northern Ireland) 1998**

Made - - - - *21st October 1998*

Coming into operation *2nd December 1998*

The Department of the Environment, in exercise of the powers conferred on it by Articles 31A(1), 31D, 31E(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(1) and by Article 72(3) of the Road Traffic (Northern Ireland) Order 1995(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Type Approval) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 2nd December 1998.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(3).

Amendments to regulation 9 (form of certificates)

2.—(1) Regulation 9 of the principal Regulations shall be amended as follows:

(2) In paragraph (2), for “and (5)” there shall be substituted “, (5) and (6)”.

(3) For paragraph (5), there shall be substituted the following paragraphs—

“(5) Subject to paragraph (6), a Department’s approval certificate for any vehicle shall be in a form prescribed by paragraph (4), if—

- (a) the application was made on the basis that the vehicle is a low volume type approval vehicle; or
- (b) the applicant has otherwise requested the certificate to be in a form prescribed by that paragraph,

(1) S.I.1981/154 (N.I. 1); see Article 2(2) for the definition of “Department” and “prescribed”; Articles 31A, 31D and 31E were inserted by S.I. 1985/755 (N.I. 6), Article 3; Articles 31A, 31D and 31E were amended by S. R. 1993 No. 246, regulations 4, 5 and 6 respectively

(2) S.I. 1995/2994 (N.I. 18)

(3) S.R. 1985 No. 294; relevant amending Regulations are S.R. 1995 No. 38, regulation 5

and the Department is satisfied that the vehicle is a low volume type approval vehicle.

(6) Upon the issue of a Department's approval certificate for any vehicle, where the Department is satisfied that the requirements of paragraph (7) are fulfilled and the applicant so requests, the certificate shall be endorsed with a statement that it is so satisfied.

(7) The requirements of this paragraph are that—

- (a) an EC certificate of conformity has been issued in respect of the vehicle;
- (b) since the EC certificate of conformity was issued the vehicle has been altered as described in the information document which accompanied the application under these Regulations;
- (c) notwithstanding the alterations the vehicle is still of the type in respect of which the EC certificate of conformity was issued, and—
 - (i) if the EC certificate of conformity does not describe the vehicle as a variant, the vehicle has not as a consequence of the alterations become a variant of that type,
 - (ii) if the EC certificate of conformity describes the vehicle as a variant of that type, the vehicle has not as a consequence of the alterations become a different variant of that type;
- (d) the EC certificate would still have had effect had the alterations not been made (whether or not that certificate in fact still has effect).

(8) For the purposes of paragraph (7)—

- (a) "EC certificate of conformity" has the same meaning as in Article 31A(7) of the Order; and
- (b) "type" and "variant" have the meanings given in Annex IIB of Council Directive [70/156/EEC](#)(4), as amended by Council Directive [87/403/EEC](#)(5) and Council Directive [92/53/EEC](#)(6).".

Sealed with the Official Seal of the Department of the Environment on

L.S.

21st October 1998.

J. Ritchie
Assistant Secretary

(4) O.J. No. L42, 2.3.70, p. 1
(5) O.J. No. L220, 8.8.87, p. 44
(6) O.J. No. L225, 10.8.92, p. 1

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985 by inserting additional provisions in regulation 9.

Regulation 9(5) is substituted so that a Department's approval certificate is to be in a form prescribed by regulation 9(4) not only, as at present, where the application was made on the basis that the vehicle is a low volume type approval vehicle, but also where the applicant has otherwise requested the certificate to be in that form. There is an additional requirement that the Department is satisfied that the vehicle is a low volume type approval vehicle.

The new regulation 9(6) to (8) provides that, where the Department issues a Department's approval certificate on being satisfied that there have been minor alterations to the vehicle since an EC certificate was issued in respect of it and the applicant so requests, it is to endorse the certificate with a statement that it is so satisfied.