

**EXPLANATORY MEMORANDUM TO**

**THE MOTOR VEHICLES (APPROVAL) (AMENDMENT) REGULATIONS**  
**(NORTHERN IRELAND) 2011**

**2011 No. 3**

**1. Introduction**

- 1.1. This explanatory memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule listed above which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 31A(1), 31D(1), 31E(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The purpose of the Statutory Rule (SR) covered by this Memorandum is to amend the Motor Vehicles (Approval) Regulations (NI) 2001 (“the 2001 Regulations”), which established the Northern Ireland Single Vehicle Approval (SVA) scheme for cars, small passenger vehicles and light goods vehicles. The amendments will “switch off” cars and small passenger vehicles from the scope of the SVA scheme following transposition of European Community Whole Vehicle Type Approval (ECWVTA) Directive 2007/46/EC and the consequential introduction of the new Individual Vehicle Approval scheme.

**3. Background**

- 3.1. ECWVTA provides a standard European “entry into service” approval system for whole vehicles, vehicle systems and separate components. Previously ECWVTA applied to cars, motor cycles and agricultural/forestry tractors but under revised ECWVTA Directive 2007/46/EC is to extend over the next 5 years to all commercial vehicles. This will harmonise construction standards throughout Europe, thereby removing barriers for manufacturers and ensuring common safety and environmental requirements for consumers.
- 3.2. Directive 2007/46 was transposed UK-wide by the Road Vehicles (Approval) Regulations 2009 (“the 2009 Regulations”).
- 3.3. The Directive allows derogations or exemptions from the ECWVTA standards for vehicles produced in “small series” rather than in large volumes and for vehicles

approved individually (eg., kit cars and amateur build vehicles). These exemptions are very important for small manufacturers, in view of the higher cost involved in achieving ECWVTA.

3.4. Prior to introduction of 2007/46, the approval of single vehicles was not subject to European rules. Vehicles manufactured individually were instead subject to the national SVA scheme for cars, light goods vehicles and certain special purpose vehicles run by DVA under the 2001 Regulations. The 2009 Regulations replace the SVA requirements with new Individual Vehicle Approval (IVA) standards for such vehicles and accordingly an IVA test for cars and small passenger vehicles was introduced in Northern Ireland on 3 August 2009.

3.5. It is therefore necessary to amend the 2001 Regulations to exclude cars and small passenger vehicles from their scope. Those Regulations will continue to apply to light goods and special purpose vehicles until October 2011 and October 2014 respectively which are the mandatory IVA dates for such vehicles.

#### **4. Consultation Outcome**

4.1.A joint DoE/Department for Transport consultation on the ECWVTA scheme, which included detailed information on the proposed IVA test, was issued to interested parties throughout the United Kingdom in June 2008. No adverse comments were received.

#### **5. Equality Impact**

5.1. An equality screening analysis has been carried out. No equality issues have been identified and accordingly an equality impact assessment is not considered necessary.

#### **6. Regulatory Impact**

6.1. The Regulations covered by this memorandum will have no impact on the costs of business and the voluntary sector. They will close off the availability of an SVA test, which is of no value in any case since DVA will no longer register a vehicle on an SVA certificate.

6.2. Businesses now use IVA inspections rather than SVA tests. A Regulatory Impact Assessment was done on a UK wide basis in relation to the 2009 Regulations.

#### **7. Financial Implications**

7.1. There are no financial implications. The proposed amendments simply remove the legislative basis for the SVA scheme for cars and small passenger vehicles which was closed in July 2009.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that there are no matters of concern.

## **9. EU Implications**

9.1. This amendment is part of the implementation of 2007/46/EC (European Community Whole Vehicle Type Approval).

## **10. Parity or replicatory measure**

10.1. The legislation replicates provisions already in place in Great Britain and will ensure that a consistent approach is taken across the whole of the UK. This is in line with the Department's current practice of mirroring GB road traffic legislation where possible/appropriate.

## **11. Additional information**

11.1. None

