

1989 No. 2275

TRACTORS

**The Agricultural or Forestry Tractors and Tractor
Components (Type Approval) (Amendment) Regulations
1989**

<i>Made - - - -</i>	<i>3rd December 1989</i>
<i>Laid before Parliament</i>	<i>6th December 1989</i>
<i>Coming into force</i>	<i>31st December 1989</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated (a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to any type approval scheme for agricultural or forestry tractors and their components, acting jointly, in exercise of the powers conferred on them by that section and of all other powers enabling them in that behalf, hereby make the following Regulations:-

Title and commencement

1. These Regulations may be cited as the Agricultural or Forestry Tractors and Tractor Components (Type Approval) (Amendment) Regulations 1989 and shall come into force on 31st December 1989.

Interpretation

2. In these Regulations "the principal Regulations" means the Agricultural or Forestry Tractors and Tractor Components (Type Approval) Regulations 1988(c).

Cancellation or suspension of type approval certificates where tractors or tractor components are not manufactured in conformity with type approval requirements or component type approval requirements

3. For regulation 13 of the principal Regulations there shall be substituted-

"13.—(1) If the Minister-

- (a) after examination of at least two tractors or tractor components, being tractors or tractor components of a particular type in respect of which a type approval certificate or a component type approval certificate is in force and, in the case of tractors, in respect of each of which a certificate of conformity is in force and, in the case of tractor components, each of which bears a component type approval mark, is satisfied that each of those tractors or tractor components has not been manufactured so as to conform with the relevant aspects of design, construction, equipment or marking, or
- (b) is notified by the competent authority of any other member State that any such tractor or tractor component as may be specified by that authority has

(a) S.I. 1975/427.
(b) 1972 c.68.
(c) S.I. 1988/1567.

not been manufactured so as to conform with the relevant aspects of design, construction, equipment or marking, after such examination as aforesaid, and the Minister is similarly so satisfied,

he shall give notice of that fact to the manufacturer specifying—

- (i) the particular respects in which the tractors or tractor components in question have been found (either by the Minister, or, as the case may be, the said competent authority) not so to conform,
- (ii) the steps that shall be taken by the manufacturer to ensure that tractors or tractor components of that type are manufactured by him so as to conform with the said aspects and the period within which those steps shall be taken, and
- (iii) that unless those steps are taken within that period the type approval certificate or component type approval certificate may be cancelled or suspended,

and if at any time after the expiration of that period, the Minister (whether or not after any, or any further, examination of any such tractor or tractor components) is not satisfied that all the steps so specified have been taken, he may by notice under regulation 15 cancel or suspend the type approval certificate or component type approval certificate.

(2) A copy of any notice given to a manufacturer under paragraph (1) of this regulation shall, within a period of one month from the date on which it is given, be sent by the Minister to the competent authority of every other member State.”.

Notice of cancellation, suspension or modification of type approval certificates or component type approval certificates

4. In regulation 15(1)(a) of the principal Regulations after the word “issued,” there shall be inserted—

“setting out the remedies available to the manufacturer under regulation 16 and of the time limits allowed for the exercise of such remedies,”.

List of Community Directives

5. For Schedule 2 to the principal Regulations there shall be substituted the provisions contained in the Schedule to these Regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th November 1989.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

3rd December 1989

Lord James Douglas-Hamilton
Parliamentary Under Secretary, Scottish Office

SCHEDULE

Regulation 5

"SCHEDULE 2

Regulation 3(1)

PART A

THE COMMUNITY DIRECTIVES WITH RESPECT TO THE DESIGN, CONSTRUCTION, EQUIPMENT AND MARKING OF TRACTORS

<i>(1)</i> <i>Community reference number</i>	<i>(2)</i> <i>Subject matter</i>	<i>(3)</i> <i>Official Journal reference</i>
Council Directive 74/151/EEC, as amended by Council Directive 82/890/EEC (OJ No. L378, 31.12.82, p.45) and Commission Directive 88/410/EEC (OJ No. L200, 26.7.88, p.27)	The maximum permissible laden weight, location/fitting of rear registration plates, fuel tanks, ballast weights, audible warning devices, and permissible sound level/silencer.	OJ No. L84, 28.3.74, p.25.
Council Directive 74/152/EEC, as amended by Council Directive 82/890/EEC and Commission Directive 88/412/EEC (OJ No. L200, 26.7.88, p.31)	Maximum design speeds and load platforms.	OJ No. L84, 28.3.74, p.33.
Council Directive 74/346/EEC, as amended by Council Directive 82/890/EEC	Rear view mirrors.	OJ No. L191, 15.7.74, p.1.
Council Directive 74/347/EEC, as amended by Commission Directive 79/1073/EEC (OJ No. L331, 27.12.79, p.20) and Council Directive 82/890/EEC	Field of vision and windscreen wipers.	OJ No. L191, 15.7.74, p.5.
Council Directive 75/321/EEC, as amended by Council Directive 82/890/EEC and Commission Directive 88/411/EEC (OJ No. L200, 26.7.88, p.30)	Steering equipment.	OJ No. L147, 9.6.75, p.24.
Council Directive 75/322/EEC, as amended by Council Directive 82/890/EEC	Radio interference suppressors.	OJ No. L147, 9.6.75, p.28.
Council Directive 75/323/EEC	Power connection for trailer lights.	OJ No. L147, 9.6.75, p.38.
Council Directive 76/432/EEC, as amended by Council Directive 82/890/EEC	Braking devices.	OJ No. L122, 8.5.76, p.1.
Council Directive 76/763/EEC, as amended by Council Directive 82/890/EEC	Passenger seats.	OJ No. L262, 27.9.76, p.135.
Council Directive 77/311/EEC, as amended by Council Directive 82/890/EEC	Driver-perceived noise level.	OJ No. L105, 28.4.77, p.1.
Council Directive 77/536/EEC, as amended by the Act concerning the conditions of accession of the Hellenic Republic (OJ No. L291, 29.11.79, p.17); the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic (OJ No. L302, 15.11.85, p.23) and Council Directive 87/354/EEC (OJ No. L192, 11.7.87, p.43)	Roll-over protection structures.	OJ No. L220, 29.8.77, p.1.

SCHEDULE 2 Part A—Continued

(1)	(2)	(3)
<i>Community reference number</i>	<i>Subject matter</i>	<i>Official Journal reference</i>
Council Directive 77/537/EEC, as amended by Council Directive 82/890/EEC	Emission of pollutants from diesel engines.	OJ No. L220, 29.8.77, p.38.
Council Directive 78/764/EEC, as amended by the Act concerning the conditions of accession of the Hellenic Republic; Council Directive 82/890/EEC; Commission Directive 83/190/EEC (OJ No. L109, 26.4.83, p.13); the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and Commission Directive 88/465/EEC (OJ No. L228, 17.8.88, p.31)	Drivers' seats.	OJ No. L255, 18.9.78, p.1.
Council Directive 78/933/EEC, as amended by Council Directive 82/890/EEC	Installation of lighting and light signalling devices.	OJ No. L325, 20.11.78, p.16.
Council Directive 79/532/EEC, as amended by Council Directive 82/890/EEC	Lighting and light signalling devices.	OJ No. L145, 13.6.79, p.16.
Council Directive 79/533/EEC, as amended by Council Directive 82/890/EEC	Coupling device and reverse.	OJ No. L145, 13.6.79, p.20.
Council Directive 79/622/EEC, as amended by Commission Directive 82/953/EEC (OJ No. L386, 31.12.82, p.31); the Act concerning the accession of the Kingdom of Spain and the Portuguese Republic; Council Directive 87/354/EEC (OJ No. L192, 11.7.87, p.43) and Commission Directive 88/413/EEC (OJ No. L200, 26.7.88, p.32)	Roll-over protection structures (static testing).	OJ No. L179, 17.7.79, p.1.
Council Directive 80/720/EEC, as amended by Council Directive 82/890/EEC and Commission Directive 88/414/EEC (OJ No. L200, 26.7.88, p.34)	Operating space, access to driving position and doors and windows.	OJ No. L194, 28.7.80, p.1.
Council Directive 86/297/EEC with the exception of item 5.2 of Annex I	Power take-offs.	OJ No. L186, 8.7.86, p.19.
Council Directive 86/298/EEC	Rear mounted roll-over protection structures ("narrow track" tractors).	OJ No. L186, 8.7.86, p.26.
Council Directive 86/415/EEC	Installation, location, operation and identification of controls.	OJ No. L240, 26.8.86, p.1.
Council Directive 87/402/EEC	Front mounted roll-over protection structures ("narrow track" tractors).	OJ No. L220, 8.8.87, p.1.
Council Directive 89/173/EEC	Dimensions and towable masses, speed governors and protection of drive components, projections and wheels, windscreens and other glazing, mechanical couplings, location and fixing of statutory plates and inscriptions, and brake control.	OJ No. L67, 10.3.89, p.1.

PART B

THE COMMUNITY DIRECTIVES WITH RESPECT TO THE DESIGN, CONSTRUCTION, EQUIPMENT AND MARKING OF TRACTOR COMPONENTS

(1) <i>Community reference number</i>	(2) <i>Subject matter</i>	(3) <i>Official Journal reference</i>
Council Directive 77/536/EEC, as amended by the Act concerning the conditions of accession of the Hellenic Republic; the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and Council Directive 87/354/EEC	Roll-over protection structures.	OJ No. L220, 29.8.77, p.1.
Council Directive 78/764/EEC, as amended by the Act concerning the conditions of accession of the Hellenic Republic; Council Directive 82/890/EEC; Commission Directive 83/190/EEC; the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and Commission Directive 88/465/EEC	Drivers' seats.	OJ No. L255, 18.9.78, p.1.
Council Directive 79/532/EEC, as amended by Council Directive 82/890/EEC	Lighting and light signalling devices.	OJ No. L145, 13.6.79, p.16.
Council Directive 79/622/EEC, as amended by Commission Directive 82/953/EEC; the Act concerning the accession of the Kingdom of Spain and the Portuguese Republic; Council Directive 87/354/EEC and Commission Directive 88/413/EEC	Roll-over protection structures (static testing).	OJ No. L179, 17.7.79, p.1.
Council Directive 86/298/EEC	Rear mounted roll-over protection structures ("narrow track" tractors).	OJ No. L186, 8.7.86, p.26.
Council Directive 87/402/EEC	Front mounted roll-over protection structures ("narrow track" tractors).	OJ No. L220, 8.8.87, p.1.
Council Directive 89/173/EEC	Dimensions and towable masses, speed governors and protection of drive components, projections and wheels, windscreens and other glazing, mechanical couplings, location and fixing of statutory plates and inscriptions, and brake control.	OJ No. L67, 10.3.89, p.1."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply throughout the United Kingdom and come into force on 31st December 1989, amend the Agricultural or Forestry Tractors and Tractor Components (Type Approval) Regulations 1988 (the principal Regulations). They implement Commission Directive 88/465/EEC (OJ No. L228, 17.8.88, p.31) and Council Directive 89/173/EEC (OJ No. L67, 10.3.89, p.1) and make certain other amendments to the principal Regulations.

A printing error in Regulation 13 of the principal Regulations is corrected to make clear that the Minister must notify the manufacturer where the facts are as in either paragraph (1)(a) or (1)(b) of that regulation (Regulation 3).

Regulation 15 of the principal Regulations is amended to provide that the Minister must give notice of the remedies available to the manufacturer and of the time limits for their exercise (Regulation 4).

A new Schedule 2 is substituted which—

- (a) adds a reference to Commission Directive 88/465/EEC in the entry relating to drivers' seats;
- (b) adds Council Directive 89/173/EEC relating to dimensions and towable masses, speed governors and protection of drive components, projections and wheels, windcreens and other glazing, mechanical couplings, location and fixing of statutory plates and inscriptions, and brake control; and
- (c) makes additions to the listed Community Directives.

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