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STATUTORY INSTRUMENTS

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**1992 No. 3107**

**ROAD TRAFFIC**

**Motor Vehicles (EC Type Approval) Regulations 1992**

*Made - - - - 9th December 1992*

*Laid before Parliament 9th December 1992*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State for Transport, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme, in exercise of the powers conferred by that section and of all other enabling powers, hereby makes the following Regulations:

**PART I**  
**PRELIMINARY**

**Commencement, citation and extent**

1.—(1) These Regulations may be cited as the Motor Vehicles (EC Type Approval) Regulations 1992.

(2) These Regulations shall come into force on 1st January 1996 for the purposes of—

(a) regulation 10, and

(b) regulation 16 in so far as it relates to paragraphs 2, 3, 6 and 7 of Schedule 2,

and on 1st January 1993 for all other purposes.

(3) Regulation 16 of, and Schedule 2 to, these Regulations do not extend to Northern Ireland.

**Interpretation**

2.—(1) In these Regulations—

“the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981<sup>(3)</sup>;

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(1) S.I. 1972/1811.

(2) 1972 c. 68. Sections 40 and 46 of the Criminal Justice Act 1982 (c. 48) and Section 51(4) of the Criminal Justice Act 1988 (c. 33) applies to paragraph 1(1)(d) of Schedule 2.

(3) S.I. 1981/154 (N.I. 1); Article 31A was inserted by S.I. 1985/755 (N.I. 6).

“the 1988 Act” means the Road Traffic Act 1988(4);

“the 1980 Regulations” means the Motor Vehicles (Type Approval) Regulations 1980(5);

“the 1987 Regulations” means the Motor Vehicles (Type Approval) (EEC) Regulations (Northern Ireland) 1987(6);

“the Directive” except in the expression “separate Directive”, means Council Directive [70/156/EEC](#)(7) as amended by Council Directive [87/403/EEC](#)(8) and Council Directive [92/53/EEC](#)(9);

“EC certificate of conformity” means any certificate of conformity issued by a manufacturer(a) under regulation 4 of these Regulations, or (b) under any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the Directive;

“EC type approval certificate” means a type approval certificate issued by a member State—

- (a) under regulation 3(5) of these Regulations, or
- (b) under any provision of the law of a member State other than the United Kingdom giving effect to Article 4 of the Directive;

“EC type approval” means—

- (a) vehicle type approval in relation to a light passenger vehicle granted pursuant to the Directive, and
- (b) system, component or separate technical unit type approval granted pursuant to a separate Directive,

and references to an application for EC type approval and other cognate expressions shall be construed accordingly;

“light passenger vehicle” has the same meaning as in Part II of the 1988 Act; and “separate Directive” means a Directive specified in column (2) of an item in Schedule 1 to these Regulations as read with the Directives (if any) specified in column (3) of that item.

(2) Other expressions used in these Regulations which are also used in the Directive shall have the same meaning as in the Directive and cognate expressions shall be construed accordingly.

(3) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations, and
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

## PART II

### EC TYPE APPROVAL GRANTED BY THE SECRETARY OF STATE

#### Applications for grant or amendment of EC type approval

3.—(1) An application for EC type approval may be made to the Secretary of State.

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(4) 1988 c. 52.

(5) S.I. [1980/1182](#), as amended by S.I. [1982/7](#) and [1988/1103](#). The other amending instruments are revoked by Schedule 3 to these Regulations.

(6) S.R. (N.I.) [1987 No. 306](#), as amended by S.R. (N.I.) [1988 No. 310](#) and [403](#). The other amending instruments are revoked by Schedule 3 to these Regulations.

(7) OJ No. L42, 23.2.70, p.1.

(8) OJ No. L220, 8.8.87, p.44.

(9) OJ No. L225, 10.8.92, p.1.

(2) Such an application shall be in writing and accompanied by the documents required by Article 3 of the Directive.

(3) An application by the holder of EC type approval for the approval to be amended shall be made in writing to the Secretary of State.

(4) Where the Secretary of State decides to refuse an application made under this regulation he shall give notice of the refusal to the applicant.

(5) Where the Secretary of State decides to grant or amend an EC type approval he shall issue an EC type approval certificate or (as the case may be) an amended EC type approval certificate.

(6) Such a certificate shall be in the form required by the Directive or the relevant separate Directive (as the case may be).

(7) The Secretary of State may grant EC component or separate technical unit type approval subject to restrictions on the use of, or conditions as respects the fitting of a component or separate technical unit (as the case may be) of the type to which the approval relates and when he does so he shall, unless the applicant has consented to the restrictions or conditions, give notice of his decision to the applicant.

(8) The Secretary of State may refuse to grant EC vehicle type approval if he is not satisfied that the applicant has made adequate arrangements for complying with regulation 4(2), 5 or 6.

(9) The Secretary of State may refuse to grant system, component or separate technical unit EC type approval if he is not satisfied that the applicant has made adequate arrangements for complying with regulation 5 or 7.

(10) Without prejudice to paragraphs (8) and (9), the Secretary of State shall make any decision under this regulation in accordance with the Directive and any relevant separate Directives and in particular the requirement of the Directive that a member State granting EC type approval must ensure that adequate arrangements have been made to ensure that production vehicles, systems, components and separate technical units (as the case may be) conform to the EC approved type.

#### **EC certificates of conformity and approval marks**

4.—(1) The holder of an EC vehicle type approval granted by the Secretary of State shall comply with the requirements of Article 6(1) of the Directive (holders to issue certificates of conformity).

(2) The holder of an EC vehicle type approval granted by the Secretary of State shall keep a record in respect of each EC certificate of conformity issued by him of—

- (a) the serial number of the certificate,
- (b) the vehicle identity number of the vehicle to which the certificate relates, and
- (c) the Community reference numbers of the Community Directives with which the vehicle conformed,

and shall retain all such records for 10 years (or such lesser period as the Secretary of State may from time to time agree).

(3) The holder of an EC type approval granted by the Secretary of State for a component or separate technical unit shall comply with the requirements of Article 6(3) of the Directive (holders to affix mark).

#### **Tests and associated checks**

5. Where the holder of an EC type approval granted by the Secretary of State has given an undertaking to the Secretary of State as to the carrying out at specified intervals of tests or associated checks to verify conformity of production, the holder must unless otherwise agreed by the Secretary of State—

- (a) comply with the undertaking, and
- (b) keep a record of the results obtained from such tests and associated checks and retain the records for 10 years (or such lesser period as the Secretary of State may from time to time agree).

#### **Duty to co-operate with the Secretary of State**

6. The holder of an EC type approval granted by the Secretary of State shall permit the Secretary of State to carry out his obligations in relation to the approval under Article 10(2) of the Directive or any similar provision under a separate Directive and shall co-operate with any person acting on behalf of the Secretary of State in connection with those obligations.

#### **Information concerning restrictions on use of components and separate technical units**

7.—(1) This regulation applies where an EC component or separate technical unit type approval has, pursuant to regulation 3(7), been granted by the Secretary of State subject to restrictions or conditions.

(2) The holder shall not, in the course of supplying a component or separate technical unit manufactured by him and bearing an approval mark relating to that approval, deliver the component or separate technical unit unless it is accompanied by a document setting out the restrictions or conditions.

#### **Withdrawal or suspension of EC type approval**

8.—(1) In this regulation a reference to a failure to conform to an EC type approval shall be construed in accordance with Article 11(1) of the Directive.

(2) If the Secretary of State, after an examination has been carried out on his behalf of two or more—

- (a) light passenger vehicles associated with a single EC vehicle type approval granted by him, or
- (b) components or separate technical units, being components or separate technical units associated with a single EC component or separate technical unit type approval granted by him,

is satisfied that there has been a failure to conform to the approved type on the part of each of those vehicles or, as the case may be, each of those vehicle components or separate technical units, he may by notice given to the holder withdraw the EC type approval.

(3) If, as a result of carrying out the obligations of the United Kingdom under Article 10(2) of the Directive (with the co-operation of other member States or otherwise) in relation to an EC type approval issued by him, the Secretary of State is satisfied that—

- (a) the holder's arrangement for ensuring that production vehicles, systems, components or separate technical units (as the case may be) conform to the approved type no longer continue to be adequate, or
- (b) without prejudice to sub-paragraph (a), the holder has failed to comply with the requirements imposed by or under regulation 4(2), 5, 6 or 7,

the Secretary of State may by notice given to the holder suspend the EC type approval.

(4) Before withdrawing or suspending an EC type approval under this regulation, the Secretary of State must give the holder notice stating that he is considering withdrawing the approval and must give particulars of the grounds on which he is considering doing so.

(5) Where the Secretary of State gives notice to a holder under paragraph (4)—

- (a) the holder may, within the period of 28 days beginning with the day on which notice is given, make representations with respect to the proposed withdrawal or suspension,
  - (b) the Secretary of State must not decide to withdraw or suspend the approval until the expiration of that period, and
  - (c) before deciding whether or not to withdraw or suspend the approval, the Secretary of State must take into account any such representations made by the holder during that period.
- (6) If the holder of an EC type approval which has been suspended under this regulation purports to issue a certificate of conformity by virtue of that approval, the certificate shall be invalid, but a suspension shall not affect the validity of any certificate of conformity issued before the approval is suspended.
- (7) A suspension under this regulation shall remain in force until it is revoked by the Secretary of State.
- (8) The Secretary of State may, by notice under paragraph (4) or by subsequent notice given to the holder, exempt from paragraph (6) EC certificates of conformity or classes of EC certificates of conformity specified in the notice.
- (9) If, following a request by the holder, the Secretary of State refuses to exercise his powers under paragraph (7) or (8) in relation to an EC type approval which has been suspended under this regulation, he shall give notice of his decision to the holder.
- (10) For the purposes of this regulation—
- (a) a vehicle is associated with an EC vehicle type approval if an EC certificate of conformity has been issued in respect of it and the certificate relates to that type approval, and
  - (b) a component or separate technical unit is associated with an EC component or separate technical unit type approval if it has been marked with an approval mark and the marking relates to that type approval.

## PART III

### LICENSING AND REGISTRATION

#### **Powers of Secretary of State in case where vehicle a serious risk to road safety**

**9.—**(1) Where the Secretary of State considers that vehicles of a particular type in respect of which an EC type approval has effect are a serious risk to road safety, he may direct that for a specified period not exceeding six months, all EC certificates of conformity issued under that EC type approval (whether before or after the giving of the direction) shall be invalid for the purposes of—

- (a) Part II of the 1988 Act,
  - (b) Part IV of the 1981 Order, and
  - (c) regulation 10.
- (2) A direction under this regulation may be revoked by the Secretary of State.
- (3) Notice of a direction under this regulation shall be given to the holder of the EC type approval.
- (4) If, following a request by the holder, the Secretary of State refuses to exercise his powers under paragraph (2) in relation to a direction given by him under this regulation, he shall give notice of his decision to the holder.

### Conditions for grant of first licence or registration

**10.**—(1) Subject to paragraphs (4) to (9), where application is made for a first licence under the Vehicles (Excise) Act 1971<sup>(10)</sup> for a light passenger vehicle the licence shall not be granted unless one of the conditions in paragraph (3) is satisfied.

(2) Subject to paragraphs (4) to (9), the Secretary of State shall not register a light passenger vehicle under section 19 of the Vehicles (Excise) Act 1971, as applied by regulations under section 23(3)(a) of that Act (as set out in paragraph 20 of Part I of Schedule 7 to that Act) to vehicles in respect of which duty is not chargeable under that Act, unless one of the conditions in paragraph (3) is satisfied.

(3) The conditions referred to in paragraphs (1) and (2) are that—

- (a) it is shown that an EC certificate of conformity has effect with respect to the vehicle, or
- (b) a Minister's approval certificate issued under section 58(1) of the 1988 Act has effect with respect to the vehicle.

(4) Paragraphs (1) and (2) shall not apply before 1st January 1998 in relation to a vehicle which—

- (a) conforms with a type vehicle in respect of which a national type approval certificate was issued before 1st January 1996,
- (b) conforms with a vehicle in respect of which a Minister's approval certificate was issued under section 58(1) of the 1988 Act before 1st January 1996, or
- (c) belongs to the same type as a vehicle registered under section 19 of the Vehicles (Excise) Act 1971 before 1st January 1996.

(5) Paragraphs (1) and (2) shall not apply at any time before 1st January 1998 in relation to a vehicle belonging to a type of vehicle in respect of which an EC type approval certificate has been issued before 1st January 1996 as an incomplete vehicle.

(6) Paragraphs (1) and (2) shall not apply at any time before 1st January 2000—

- (a) in relation to a vehicle which falls within paragraph (5) and which—
  - (i) conforms with a type vehicle in respect of which a national type approval certificate was issued before 1st January 1998,
  - (ii) conforms with a vehicle in respect of which a Minister's approval certificate was issued under section 58(1) of the 1988 Act before 1st January 1998, or
  - (iii) belongs to the same type as a vehicle registered under section 19 of the Vehicles (Excise) Act 1971 before 1st January 1998, or
- (b) in relation to a vehicle which falls within paragraph (4) and which belongs to a type of vehicle in respect of which an EC type approval certificate has been issued before 1st January 1998 as an incomplete vehicle.

(7) For the purposes of paragraphs (4)(a) and (6)(a)(i), a vehicle in respect of which a national certificate of conformity has effect shall be taken to conform with the relevant type vehicle; and for the purposes of paragraphs (4)(b) and (6)(a)(ii) a vehicle in respect of which a Minister's approval certificate issued under section 58(4) of the 1988 Act has effect shall be taken to conform with the relevant vehicle in respect of which such a certificate was issued under section 58(1) of that Act.

(8) For the purposes of paragraphs (4) to (6), a vehicle belongs to a particular type only if it would be treated for the purposes of the Directive as belonging to that type.

(9) Paragraphs (1) and (2) shall not apply in relation to—

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<sup>(10)</sup> 1971 c. 10.

- (a) the licensing or registration by a public or local authority of any vehicle intended by that authority to be used by them for the purposes of civil defence (within the meaning of the Civil Defence Act 1948(11), or
  - (b) the licensing or registration by a police authority of any vehicle intended to be used for police purposes.
- (10) Where the Secretary of State, by virtue of this regulation, refuses to grant a first licence for a vehicle, he shall give notice of his decision to the applicant.
- (11) Where the Secretary of State, by virtue of this regulation, refuses to register a vehicle in respect of which duty is not chargeable under the Vehicles (Excise) Act 1971, he shall give notice of his decision to the person who appears to him to be the keeper of the vehicle.
- (12) In this regulation—
- (a) references to a Minister’s approval certificate issued under section 58(1) of the 1988 Act include references to a Department’s approval certificate issued under Article 31A(4) of the 1981 Order, and
  - (b) the reference to a Minister’s approval certificate issued under section 58(4) of that Act includes a reference to a Department’s approval certificate issued under Article 31A(5) of that Order.
- (13) In this regulation—
- “conform” means conform (within the meaning of section 55(3) of the 1988 Act or Article 31A(7) of the 1981 Order) with the relevant aspects of design, construction, equipment and marking (as defined in section 54(6) of that Act or Article 31A(7) of that Order),
- “national certificate of conformity” means a certificate of conformity issued under section 57(1) of the 1988 Act or Article 31A(3) of the 1981 Order, and
- “national type approval certificate” means a type approval certificate issued under section 55(2) of the 1988 Act or Article 31A(2) of the 1981 Order.

## PART IV

### MISCELLANEOUS

#### **Forgery, false statements etc**

- 11.**—(1) A person who, with intent to deceive,—
- (a) forges, alters or uses a document to which this paragraph applies, or
  - (b) lends to, or allows to be used by, any other person a document to which this paragraph applies, or
  - (c) makes or has in his possession any document so closely resembling a document to which this paragraph applies as to be calculated to deceive,
- shall be guilty of an offence.
- (2) A person guilty of an offence under paragraph (1) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.
- (3) Paragraph (1) applies to an EC type approval certificate or an EC certificate of conformity.

(4) A person who, in supplying information or producing documents for the purposes of these Regulations—

- (a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
- (b) produces, provides, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, provides, sends or otherwise makes use of a document which is false in a material particular,

shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### **Duty to give reasons etc**

**12.**—(1) A relevant notice shall specify the reasons for the decision to which it relates, the right to request a review under these Regulations and the time limit for making such a request.

(2) In this regulation and regulation 13, “relevant notice” means a notice under—

- (a) regulation 3(4) or (7),
- (b) regulation 8(2) or (3),
- (c) regulation 9(3) or (4), or
- (d) regulation 10(10) or (11).

#### **Review of decisions**

**13.**—(1) Where the Secretary of State has given a relevant notice to a person, that person may by notice request the Secretary of State to review the decision to which the relevant notice relates.

(2) Such a request must be made by the person within 28 days from the date that he receives the relevant notice.

(3) On any review under this regulation the Secretary of State may—

- (a) hold an inquiry in connection with it, and
- (b) appoint an assessor for the purpose of assisting him with the review or any such inquiry.

(4) Section 180 of the 1988 Act shall apply to an inquiry under this regulation as it applies to an inquiry under that Act.

(5) In its application to Northern Ireland by virtue of paragraph (4), section 180 of the 1988 Act shall have effect as if in paragraph (a) of subsection (2) after the word “Wales” there were inserted the words “or Northern Ireland”.

#### **Service of notices**

**14.**—(1) Any document required or authorised by virtue of these Regulations to be given to any person by the Secretary of State may be given—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address, or
- (b) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) on the secretary or clerk of that body, or
- (c) if the person is a partnership, by serving it in accordance with sub-paragraph (a) on a partner or a person having the control or management of the partnership business.

(2) For the purposes of this regulation and section 7 of the Interpretation Act 1978<sup>(12)</sup> (which relates to the service of documents by post) in its application to this regulation, the proper address of any person on whom a document is to be served shall be his last known address, except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body,
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership,

and for the purposes of this paragraph this principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(3) If a person to be served by virtue of these Regulations with any document by the Secretary of State has specified to the Secretary of State an address within the United Kingdom other than his proper address (as determined in pursuance of paragraph (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this paragraph and for the purposes of the said section 7 in its application to this regulation.

#### **Provision of testing stations**

**15.** The Secretary of State may provide and maintain stations where examinations of vehicles to which these Regulations apply and of components of such vehicles may be carried out for the purposes of these Regulations and may provide and maintain the apparatus for carrying out such examinations.

#### **Amendments of Acts**

**16.** The amendments set out in Schedule 2 to these Regulations shall have effect.

#### **Amendments and revocations of subordinate legislation**

- 17.—**(1) Part I of Schedule 2 to the 1980 Regulations is hereby revoked.
- (2) Part I of Schedule 3 to the 1987 Regulations is hereby revoked.
- (3) The Regulations set out in Schedule 3 to these Regulations (being spent Regulations) are hereby revoked.

#### **Transitional**

**18.—**(1) An application for EC type approval made under the 1980 Regulations or the 1987 Regulations before the coming into force of these Regulations shall have effect as if it had been made under these Regulations.

(2) Nothing in these Regulations shall affect the validity of anything done under the 1980 Regulations or the 1987 Regulations before the coming into force of these Regulations.

(3) This regulation does not apply to an application relating to the provisions set out in Part II of Schedule 2 to the 1980 Regulations or Part II of Schedule 3 to the 1987 Regulations.

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**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

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Signed by authority of the Secretary of State for Transport

9th December 1992

*Kenneth Carlisle*  
Parliamentary Under Secretary of State  
Department of Transport

## SCHEDULE 1

Regulation 2(1)

## SEPARATE DIRECTIVES

| <i>Item</i> | <i>Principal Directive</i> | <i>Amending Directive</i> | <i>Official Journal reference</i> | <i>Subject matter</i>                 |
|-------------|----------------------------|---------------------------|-----------------------------------|---------------------------------------|
| 1           | 70/157/EEC                 |                           | L42,23.2.70, p.16                 | Sound levels                          |
|             |                            | 73/350/EEC*               | L321, 22.11.73,<br>p.33           |                                       |
|             |                            | 77/212/EEC                | L66, 12.3.77,<br>p.33             |                                       |
|             |                            | 81/334/EEC*               | L131,18.5.81, p.6                 |                                       |
|             |                            | 84/372/EEC*               | L196, 26.7.84,<br>p.47            |                                       |
|             |                            | 84/424/EEC                | L238, 6.9.84,<br>p.31             |                                       |
| 2           | 70/220/EEC                 |                           | L76, 6.4.70, p.1                  | Emission                              |
|             |                            | 74/290/EEC                | L159, 15.6.74,<br>p.61            |                                       |
|             |                            | 77/102/EEC*               | L32, 3.2.77, p.32                 |                                       |
|             |                            | 78/665/EEC*               | L223, 14.8.78,<br>p.48            |                                       |
|             |                            | 83/351/EEC                | L197, 20.7.83,<br>p.1             |                                       |
|             |                            | 88/76/EEC                 | L36, 9.2.88, p.1                  |                                       |
|             |                            | 88/436/EEC                | L214, 6.8.88, p.1                 |                                       |
|             |                            | 89/458/EEC                | L226, 3.8.89, p.1                 |                                       |
|             |                            | 91/441/EEC                | L242, 30.8.91,<br>p.1             |                                       |
| 3           | 70/221/EEC                 |                           | L76, 6.4.70, p.23                 | Fuel tanks/rear<br>protective devices |
|             |                            | 79/490/EEC*               | L128, 26.5.79,<br>p.22            |                                       |
|             |                            | 81/333/EEC*               | L131, 18.5.91,<br>p.4             |                                       |
| 4           | 70/222/EEC                 |                           | L76, 6.4.70, p.25                 | Rear registration<br>plate space      |

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Note: The Directives marked with an asterisk are Commission Directives. The other Directives are Council Directives.

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| <i>Item</i> | <i>Principal Directive</i> | <i>Amending Directive</i> | <i>Official Journal reference</i> | <i>Subject matter</i>        |
|-------------|----------------------------|---------------------------|-----------------------------------|------------------------------|
| 5           | 70/311/EEC                 |                           | L133, 18.6.70,<br>p.10            | Steering effort              |
|             |                            | 92/62/EEC*                | L199, 18.7.92,<br>p.33            |                              |
| 6           | 70/387/EEC                 |                           | L176, 10.8.70,<br>p.5             | Doors, latches<br>and hinges |
| 7           | 70/388/EEC                 |                           | L176, 10.8.70,<br>p.12            | Audible warning              |
| 8           | 71/127/EEC                 |                           | L68, 22.3.71, p.1                 | Rear visibility              |
|             |                            | 79/795/EEC*               | L239, 22.9.79,<br>p.1             |                              |
|             |                            | 85/205/EEC*               | L90, 29.3.85, p.1                 |                              |
|             |                            | 86/562/EEC*               | L327, 02.11.86,<br>p.49           |                              |
|             |                            | 88/321/EEC*               | L147, 14.6.88,<br>p.77            |                              |
| 9           | 71/320/EEC                 |                           | L202, 6.9.71,<br>p.37             | Braking                      |
|             |                            | 74/132/EEC*               | L74, 19.3.74, p.7                 |                              |
|             |                            | 75/524/EEC*               | L236, 8.9.75, p.3                 |                              |
|             |                            | 79/489/EEC*               | L128, 26.5.79,<br>p.12            |                              |
|             |                            | 85/647/EEC*               | L380, 31.12.85,<br>p.1            |                              |
|             |                            | 88/194/EEC*               | L92, 9.4.88, p.47                 |                              |
|             |                            | 91/422/EEC*               | L233, 22.9.91,<br>p.21            |                              |
| 10          | 72/245/EEC                 |                           | L152, 6.7.72,<br>p.15             | Suppression<br>(radio)       |
| 11          | 72/306/EEC                 |                           | L190, 20.8.72,<br>p.1             | Diesel smoke                 |
| 12          | 74/60/EEC                  |                           | L38, 11.3.74, p.2                 | Inferior fittings            |
|             |                            | 78/632/EEC*               | L206, 29.7.78,<br>p.26.           |                              |
| 13          | 74/61/EEC                  |                           | L38, 11.2.74, p.22                | Anti-theft devices           |

Note: The Directives marked with an asterisk are Commission Directives. The other Directives are Council Directives.

| <i>Item</i> | <i>Principal Directive</i> | <i>Amending Directive</i> | <i>Official Journal reference</i> | <i>Subject matter</i>        |
|-------------|----------------------------|---------------------------|-----------------------------------|------------------------------|
| 14          | 74/297/EEC                 |                           | L165, 20.6.74,<br>p.16            | Protective steering          |
|             |                            | 91/662/EEC                | L366, 31.12.91,<br>p1.            |                              |
| 15          | 74/408/EEC                 |                           | L221, 12.8.74,<br>p.1             | Seat strength                |
|             |                            | 81/577/EEC                | L209, 29.7.81,<br>p34.            |                              |
| 16          | 74/483/EEC                 |                           | L266, 2.10.74,<br>p.4             | Exterior projections         |
|             |                            | 79/488/EEC*               | L128, 26.5.79,<br>p1.             |                              |
| 17          | 75/443/EEC                 |                           | L196, 26.7.75,<br>p.1             | Speedometer and reverse gear |
| 18          | 76/114/EEC                 |                           | L24, 30.1.76, p.1                 | Plates (statutory)           |
|             |                            | 78/507/EEC*               | L155, 13.6.78,<br>p31.            |                              |
| 19          | 76/115/EEC                 |                           | L24, 30.1.76, p.6                 | Seat belt anchorages         |
|             |                            | 81/575/EEC                | L209, 29.7.81,<br>p30.            |                              |
|             |                            | 82/318/EEC*               | L139, 19.5.82,<br>p9.             |                              |
|             |                            | 90/629/EEC*               | L341, 6.12.90,<br>p14.            |                              |
| 20          | 76/56/EEC                  |                           | L262, 27.9.76,<br>p.1             | Lighting installation        |
|             |                            | 80/233/EEC*               | L51, 25.2.80, p8.                 |                              |
|             |                            | 82/244/EEC*               | L109, 22.4.82,<br>p31.            |                              |
|             |                            | 83/276/EEC                | L151, 9.6.83,<br>p47.             |                              |
|             |                            | 84/8/EEC                  | L9, 12.1.84, p24.                 |                              |
|             |                            | 89/278/EEC*               | L109, 20.4.89,<br>p38.            |                              |

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| <i>Item</i> | <i>Principal Directive</i> | <i>Amending Directive</i> | <i>Official Journal reference</i> | <i>Subject matter</i>          |
|-------------|----------------------------|---------------------------|-----------------------------------|--------------------------------|
|             |                            | 91/663/EEC*               | L366, 31.12.91,<br>p17.           |                                |
| 21          | 76/757/EEC                 |                           | L262, 27.9.76,<br>p.32            | Reflex reflectors              |
| 22          | 76/758/EEC                 |                           | L262, 27.9.76,<br>p.54            | Lamps (side, rear,<br>stop)    |
|             |                            | 89/516/EEC*               | L265, 12.9.89,<br>p1.             |                                |
| 23          | 76/759/EEC                 |                           | L262, 27.9.76,<br>p.71            | Direction<br>indicators        |
|             |                            | 89/277/EEC*               | L109, 20.4.89,<br>p25.            |                                |
| 24          | 76/760/EEC                 |                           | L262, 27.9.76,<br>p.85            | Lamps (number<br>plates)       |
| 25          | 76/761/EEC                 |                           | L262, 27.9.76,<br>p.96            | Headlamps<br>(including bulbs) |
|             |                            | 89/517/EEC*               | L265, 12.9.89,<br>p15.            |                                |
| 26          | 76/762/EEC                 |                           | L262, 27.9.76,<br>p.122           | Fog lamps (front)              |
| 27          | 77/389/EEC                 |                           | L154, 13.6.77,<br>p.41            | Towing hooks                   |
| 28          | 77/538/EEC                 |                           | L220, 29.8.77,<br>p.60            | Fog lamps (rear)               |
|             |                            | 89/518/EEC*               | L265, 12.9.89,<br>p24.            |                                |
| 29          | 77/39/EEC                  |                           | L200, 29.8.77,<br>p.72            | Lamps<br>(reversing)           |
| 30          | 77/540/EEC                 |                           | L220, 29.8.77,<br>p.83            | Lamps (parking)                |
| 31          | 77/541/EEC                 |                           | L220, 29.8.77,<br>p.95            | Seat belts                     |
|             |                            | 81/576/EEC                | L209, 29.7.81,<br>p32.            |                                |
|             |                            | 82/319/EEC*               | L139, 19.5.82,<br>p17.            |                                |

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|-------------|----------------------------|---------------------------|-----------------------------------|------------------------------|
|             |                            | 90/628/EEC*               | L341, 6.12.90,<br>p1.             |                              |
| 32          | 77/649/EEC                 |                           | L267, 19.10.77,<br>p.1            | Forward vision               |
|             |                            | 81/643/EEC*               | L231, 15.8.81,<br>p41.            |                              |
|             |                            | 88/366/EEC*               | L181, 12.7.88,<br>p40.            |                              |
|             |                            | 90/630/EEC*               | L341, 6.12.90,<br>p20.            |                              |
| 33          | 78/316/EEC                 |                           | L81, 28.3.78, p.3                 | Identification of controls   |
| 34          | 78/317/EEC                 |                           | L81, 28.3.78,<br>p.27             | Defrost/demist               |
| 35          | 78/318/EEC                 |                           | L81, 28.3.78,<br>p.49             | Wash/wipe                    |
| 36          | 78/548/EEC                 |                           | L168, 26.6.78,<br>p.40            | Heating systems              |
| 37          | 78/549/EEC                 |                           | L168, 26.6.78,<br>p.45            | Wheel guards                 |
| 38          | 78/932/EEC                 |                           | L325, 20.11.78,<br>p.1            | Head restraints              |
| 39          | 80/1268/EEC                |                           | L375, 31.12.80,<br>p.36           | Fuel consumption             |
| 40          | 80/1269/EEC                |                           | L375, 31.12.80,<br>p.46           | Engine power                 |
|             |                            | 88/195/EEC                | L92, 9.4.88, p50.                 |                              |
| 41          | 88/77/EEC                  |                           | L36, 9.2.88, p.33                 | Diesel emissions             |
|             |                            | 91/542/EEC                | L295, 25.10.91,<br>p1.            |                              |
| 42          | 89/297/EEC                 |                           | L124, 5.5.89, p.1                 | Lateral protection           |
| 43          | 92/22/EEC                  |                           | L129, 14.5.92,<br>p.11            | Safety glass                 |
| 44          | 92/21/EEC                  |                           | L129, 14.5.92,<br>p.1             | Masses and dimensions (cars) |

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| <i>Item</i> | <i>Principal Directive</i> | <i>Amending Directive</i> | <i>Official Journal reference</i> | <i>Subject matter</i> |
|-------------|----------------------------|---------------------------|-----------------------------------|-----------------------|
| 45          | 92/23/EEC                  |                           | L129, 14.5.92,<br>p.95            | Tyres                 |
| 46          |                            |                           | Couplings                         |                       |
| 47          | 91/226/EEC                 |                           | L103, 23.4.92,<br>p.5             | Anti-spray<br>devices |
| 48          | 92/24/EEC                  |                           | L129, 14.5.92,<br>p.154           | Speed limiters        |

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## SCHEDULE 2

Regulation 16

### AMENDMENTS OF ACTS

#### **Certain offences not committed where EC certificate of conformity has effect**

1.—(1) In section 63 of the 1988 Act (obligatory type approval certificates, certificates of conformity and Minister’s approval certificates) after subsection (1) there shall be inserted—

“(1A) For the purposes of subsection (1) above a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.”.

(2) In section 65 of that Act (vehicles and parts not to be sold without required certificate of conformity or Minister’s approval certificate) after subsection (1) there shall be inserted—

“(1A) For the purposes of subsection (1) above a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.”.

#### **Obligation to hold EC certificate of conformity for certain unregistered vehicles**

2. After subsection 64 of the 1988 Act there shall be inserted—

##### **“Failure to hold EC certificate of conformity for unregistered light passenger vehicle**

**64A.**—(1) Subject to subsections (2) to (5) below, if a person uses on a road a light passenger vehicle—

- (a) which has not been registered-
  - (i) under section 19 of the Vehicles (Excise) Act 1971, or
  - (ii) under the law of a member State other than the United Kingdom, and
- (b) in respect of which no EC certificate of conformity has effect,

he is guilty of an offence.

(2) A person shall not be convicted of an offence under this section in respect of the use of a vehicle if he proves—

- (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
- (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

(3) This section does not apply in relation to a vehicle in respect of which a Minister's approval certificate issued under section 58(1) of this Act or a Department's approval certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect.

(4) This section does not apply to the use of a vehicle under a trade licence (within the meaning of the Vehicles (Excise) Act 1971) in accordance with regulations made under section 16(2) of that Act.

(5) This section does not apply in relation to a vehicle brought temporarily into Great Britain by a person resident outside the United Kingdom.”.

### **Sale of vehicles**

3. After section 65 of the 1988 Act there shall be inserted—

#### **“Light passenger vehicles not to be sold without EC certificate of conformity**

**65A.**—(1) Subject to subsections (3) to (6) below, any person who supplies a light passenger vehicle—

- (a) which has not been registered—
  - (i) under section 19 of the Vehicles (Excise) Act 1971, or
  - (ii) under the law of a member State other than the United Kingdom, and
- (b) in respect of which no EC certificate of conformity has effect,

is guilty of an offence.

(2) In this section references to supply include—

- (a) sell,
- (b) offer to sell or supply, and
- (c) expose for sale.

(3) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle if he proves—

- (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
- (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

(4) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle if he proves—

- (a) that it was supplied for export from the United Kingdom to a country which is not a member State, or

- (b) that he had reasonable cause to believe—
  - (i) that it would not be used on a road in the United Kingdom or any other member State, or
  - (ii) that it would not be so used until an EC certificate of conformity had been issued in respect of it.
- (5) This section does not apply in relation to the supply of a vehicle—
  - (a) to the Crown for naval, military or air force purposes,
  - (b) for the purposes of the military forces of any country outside the United Kingdom,
  - (c) to any public authority in the United Kingdom or any other member State for the purposes of civil defence within the meaning of the Civil Defence Act 1948,
  - (d) to a police authority for police purposes, or
  - (e) to any public authority in a member State outside the United Kingdom which has responsibilities for maintaining public order.
- (6) This section does not apply in relation to a vehicle in respect of which a Minister's approval certificate issued under section 58(1) of this Act or a Department's approval certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect.
- (7) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.”.

#### **Conditions for grant of excise licences**

4. In section 66 of the 1988 Act (Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions) after subsection (4) there shall be inserted—
- “(4A) In relation to any application referred to in subsection (3) above the requirement set out in subsection (4)(b) above shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity has effect with respect to the vehicle.”.

#### **Definitions**

- 5.—(1) In section 57 of the 1988 Act (certificates of conformity) in subsection (1) the words “(in this Part of this Act referred to as a “certificate of conformity”)” shall be omitted and after that subsection there shall be inserted—
- “(1A) In this Part of this Act (except in the expression “EC certificate of conformity” and in the definition of that expression in section 85 of this Act) “certificate of conformity” means a certificate issued under subsection (1) above.”.
- (2) In section 85 of that Act (interpretation of Part II)—
- (a) after the definition of “the Community Recording Equipment Regulation” there shall be inserted—
    - ““EC certificate of conformity” means any certificate of conformity issued by a manufacturer—
    - (a) under regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
    - (b) under any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive,
- which is expressed to be a certificate for a complete or completed vehicle”,

- (b) after the definition of “licensing authority” there shall be inserted—
- ““light passenger vehicle” means any motor vehicle which—
- (a) has at least four wheels,
  - (b) is equipped with an internal combustion engine,
  - (c) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,
  - (d) has no more than eight seats in addition to the driver’s seat, and
  - (e) has a maximum design speed exceeding 25 kilometres per hour,
- but does not include a quadricycle within the meaning of Article 1(3) of the motorcycle type approval Directive or a vehicle used or intended for use for the purposes of a fire brigade (whether or not one maintained under the Fire Services Act 1947),
- “the light passenger vehicle type approval Directive” means Council Directive [70/156/EEC](#) of 6th February 1970 on the approximation of the laws of the member States relating to the type-approval of motor vehicles and their trailers as amended by Council Directive [87/403/EEC](#) of 25th June 1987 and Council Directive [92/53/EEC](#) of 18th June 1992,
- “the motorcycle type approval Directive” means Council Directive [92/61/EEC](#) of 30th June 1992 relating to the type-approval of two or three-wheel motor vehicles.”.

- (3) In section 86 of that Act (index to Part II)—
- (a) in the entry relating to the expression “certificate of conformity” for “Section 57(1)” there shall be substituted “Section 57(1A)”, and
  - (b) the following shall be inserted at the appropriate places—

|  |             |
|--|-------------|
| “EC certificate of conformity                    | Section 85” |
| “Light passenger vehicle                         | Section 85” |
| “Light passenger vehicle type approval Directive | Section 85” |
| “Motorcycle type approval Directive              | Section 85” |

### **Application to Crown**

6. In section 183 of the 1988 Act (application to Crown) in subsection (2) for “section 65” there shall be substituted “sections 64A, 65 and 65A”.

### **Prosecution and punishment of offences**

7.—(1) Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988(**13**) (prosecution and punishment of offences) shall be amended as follows.

- (2) After the entry relating to section 64 of the 1988 Act there shall be inserted—

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(13) 1988 c. 53.

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|                  |  |            |                                 |
|------------------|--|------------|---------------------------------|
| “RTA section 64A | Failure to hold EC certificate of conformity for unregistered light passenger vehicle. | Summarily. | Level 3 on the standard scale.” |
|------------------|--|------------|---------------------------------|

(3) After the entry relating to section 65 of the 1988 Act there shall be inserted—

|                  |   |            |                                 |
|------------------|---|------------|---------------------------------|
| “RTA section 65A | Light passenger vehicles not to be sold without EC certificate of conformity. | Summarily. | Level 5 on the standard scale.” |
|------------------|---|------------|---------------------------------|

### SCHEDULE 3

Regulation 17

#### REVOCATIONS

#### PART I

regulations which amended the 1980 regulations

| <i>Regulations</i>  | <i>Year and reference number</i> |
|---|----------------------------------|
| The Motor Vehicles (Type Approval) (Amendment) Regulations 1987         | S.I. <a href="#">1987/524</a>    |
| The Motor Vehicles (Type Approval) (Amendment) Regulations (No. 2) 1988 | S.I. <a href="#">1988/1669</a>   |
| The Motor Vehicles (Type Approval) (Amendment) Regulations 1989         | S.I. <a href="#">1989/1578</a>   |
| The Motor Vehicles (Type Approval) (Amendment) Regulations 1991         | S.I. <a href="#">1991/820</a>    |
| The Motor Vehicles (Type Approval) (Amendment) (No. 2) Regulations 1991 | S.I. <a href="#">1991/2681</a>   |
| The Motor Vehicles (Type Approval) (Amendment) Regulations 1991         | S.I. <a href="#">1992/2154</a>   |

#### PART II

regulations which amended the 1987 regulations

| <i>Regulations</i>  | <i>Year and reference number</i>         |
|---|--|
| The Motor Vehicles (Type Approval) (EEC) (Amendment) Regulations 1990 | S.R. (N.I.) <a href="#">1990 No. 31</a>  |
| The Motor Vehicles (Type Approval) (EEC) (Amendment) Regulations 1991 | S.R. (N.I.) <a href="#">1991 No. 205</a> |

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| <i>Regulations</i>  | <i>Year and reference number</i>         |
|---|--|
| The Motor Vehicles (Type Approval) (EEC) (Amendment) Regulations 1992 | S.R. (N.I.) <a href="#">1992 No. 159</a> |
| The Motor Vehicles (Type Approval) (EEC) (Amendment) Regulations 1992 | S.R. (N.I.) <a href="#">1992 No. 502</a> |

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [92/53/EEC](#). They also replace the Motor Vehicles (Type Approval) Regulations 1980 and the Motor Vehicles (Type Approval) (EEC) Regulations (Northern Ireland) 1987, save in so far as they relate to the type approval of tachographs.

The Directive as read with Council Directives [70/156/EEC](#) and [87/403/EEC](#) makes provision for member States to set up a system for granting EC type approval for light passenger vehicles as defined in the Regulations. The Directives contain provisions prohibiting member States registering or permitting the sale or entry into service of the vehicles unless they are accompanied by a valid EC certificate of conformity. They prevent member States refusing the sale or entry into service of vehicles with a valid EC certificate of conformity. They also contain similar provisions for parts of motor vehicles (not limited to parts of light passenger vehicles).

Part I of the Regulations contains preliminary provisions.

Part II of the Regulations contains provisions relating to:

- (a) application to the Secretary of State for EC type approval;
- (b) the grant of EC type approval by the Secretary of State;
- (c) the duties of holders of type approval granted by the Secretary of State including a duty to supply an EC certificate of conformity with each vehicle and to affix an approval mark to each part that conforms with the approved type; and
- (d) the withdrawal suspension of EC type approval granted by the Secretary of State.

Subject to specified exceptions, Part III of the Regulations prevents the Secretary of State as from 1st January 1996 (later in some cases) issuing a first licence or registering a light passenger vehicle unless it either has an EC certificate of conformity or has a Minister's approval certificate issued under section 58(1) of the Road Traffic Act 1988.

Part IV of the Regulations contains miscellaneous provisions. These include provisions creating offences relating to EC type approval such as forging an EC type approval certificate or an EC certificate of conformity and making false statements.

Schedule 2 amends the Road Traffic Act 1988. The effect of the amendments are as follows.

- (a) They enable a vehicle to be used and sold if an EC certificate of conformity has been issued in respect of it in cases where this would otherwise have been unlawful under section 63 or 65 of the 1988 Act. Those sections make it unlawful to use or sell prescribed classes of vehicles unless appropriate certificates have been issued under the Act showing that the vehicle meets prescribed type approval requirements.

- (b) They make it an offence in certain circumstances for a person to use an unregistered light passenger vehicle on a road or to sell such a vehicle if an EC certificate of conformity has not been issued in respect of it. The offence arises in relation to a vehicle if Part III of the Regulations would prevent the Secretary of State registering it. The offences do not come into force until 1st January 1996.
- (c) They enable a first licence to be issued for a vehicle with an EC certificate of conformity where this would otherwise have been prevented by section 66(4)(b) of the 1988 Act. That provision prevents first licences being issued for certain vehicles unless it appears from certificates issued under sections 54 to 58 that they comply with type approval requirements prescribed under the Act.