

SCHEDULE 2

AMENDMENTS OF ACTS

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

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- (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."