

SCHEDULE 1

Article 3(1)

AMENDMENTS OF THE PRINCIPAL ORDER

1. In Article 3(1)—

- (a) after the definition of “the applicant” there shall be inserted—

““EEA State” means a State which is a contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(1);”
- (b) for the definition of “the ECE Regulation” there shall be substituted—

““the ECE Regulation” means ECE Regulation 84 (subject to corrigendum 1 dated 17th February 1992), which entered into force on 15th July 1990 as an annex to the Geneva Agreement;”
- (c) in the definition of “an ECE fuel consumption document”, for the words “the Appendix to Annex 9” there shall be substituted “Annex 2”;
- (d) in the definition of “the ECE test procedure”, for the words “paragraphs 3, 4, 5 and 6 of Annex 9 to” there shall be substituted “regulation 5 of, and Annexes 4 and 5 to;”;
- (e) in the definition of “an EEC fuel consumption document”, after the words “the Fuel Consumption Directive” there shall be inserted “or in Annex II to the Amended Fuel Consumption Directive” and for the words “of a country” to the end of the definition there shall be substituted “of an EEA State”;
- (f) for the definition of “the EEC test procedure” there shall be substituted—

““the EEC test procedure” means the procedure for the carrying out of tests specified in paragraphs 3, 4, 5, 6 and 7 of Annex I to the Fuel Consumption Directive and “the new EEC test procedure” means the procedure for the carrying out of tests specified in paragraphs 4, 5, 6 and 7 of Annex I to the Amended Fuel Consumption Directive;”;
- (g) in the definition of “the Fuel Consumption Directive”, there shall be inserted at the end “and “the Amended Fuel Consumption Directive” means the Fuel Consumption Directive as amended by Commission Directive 93/116/EC of 17th December 1993(2) ”;
- (h) the definition of “Member State” shall be omitted;
- (i) after the definition of “the Geneva Agreement” there shall be inserted—

““official fuel economy certificate” means—

 - (a) a certificate in which the Secretary of State has, pursuant to Article 7(2), recorded the results of official tests; or
 - (b) a document which, by virtue of Article 7(1), is to be treated as an official fuel economy certificate,

and references (however expressed) to the results of tests recorded in an official fuel economy certificate include references to results recorded in a document which is to be treated as an official fuel economy certificate;”.

2. In Article 4—

- (a) in paragraph (1)—
 - (i) the words “subject to the provisions of paragraph (2),” shall be omitted;
 - (ii) for the words “or more,” there shall be substituted “or more and”;

(1) Cm 2073 and 2183.

(2) O.J. No. L329, 30.12.93, page 39.

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- (iii) the words “fuelled by light or heavy oil and which are of a class manufactured after 31st December 1977” shall be omitted;
 - (b) paragraph (2) shall be omitted;
 - (c) in paragraph (3), for the words “section 190(2) of the Road Traffic Act 1972” there shall be substituted “section 185(1) of the Road Traffic Act 1988(3) ”.
3. For Article 6 there shall be substituted the following article—

“Officially approved tests

6. —

(1) The fuel consumption of every class of car to which this Order applies shall be determined by means of tests carried out under the EEC test procedure, the new EEC test procedure or the ECE test procedure on a car of each class by, or under arrangements made by, the manufacturer or, in the case of an imported car, the importer of that car—

- (a) in or outside the United Kingdom by the competent authority of an EEA State in the case of the EEC test procedure or the new EEC test procedure or by the competent authority of a State which is a party to the Geneva Agreement in the case of the ECE test procedure; or
- (b) in the United Kingdom in accordance with the conditions referred to in paragraph (2).

(2) The conditions are that—

- (a) the tests are carried out in circumstances where officers of the Department of Transport are offered all facilities reasonably required by them to satisfy themselves that the tests are properly carried out;
- (b) the tests are carried out at a site approved for the purpose by the Secretary of State;
- (c) particulars of the tests are submitted to the Secretary of State in the form set out in Part III of Schedule 2;
- (d) the Secretary of State has no reasonable grounds for believing that the tests have not been properly carried out; and
- (e) any fees payable in accordance with Article 11 are paid to the Secretary of State.

(3) A test carried out as mentioned in paragraph (1) shall be regarded as an officially approved test.”

4. For Article 7 there shall be substituted the following article—

“Official fuel economy certificates

7. —

(1) Where the fuel consumption of a car has been determined by means of officially approved tests carried out as mentioned in Article 6(1)(a), an EEC fuel consumption document or, as the case may be, an ECE fuel consumption document recording the result of those tests shall be treated for the purposes of this Order as an official fuel economy certificate.

(2) The Secretary of State shall record the results of tests carried out as mentioned in Article 6(1)(b) in an official fuel economy certificate—

(3) 1988 c. 52.

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- (a) in the form set out in Part I of Schedule 2 if the particulars of the tests submitted in accordance with Article 6(2)(c) included the particulars specified in paragraph 12.1 of Part III of Schedule 2; or
- (b) in the form set out in Part II of Schedule 2 if the particulars of the tests submitted in accordance with Article 6(2)(c) included the particulars specified in paragraph 12.2 of Part III of Schedule 2,

and shall furnish a copy of the certificate to the applicant.

(3) The Secretary of State shall from time to time cause to be published the results of tests carried out in accordance with Article 6(1) and recorded in official fuel economy certificates.”

5. For Article 8 there shall be substituted the following article—

“Calculation of fuel consumption figures

8. Where, pursuant to the provisions of Article 6(2)(c), particulars of the tests are submitted to the Secretary of State in the form set out in Part III of Schedule 2—

- (a) the fuel consumption in litres per hundred kilometres required to be stated in paragraph 12 of the particulars shall be the fuel consumption as determined by the tests expressed—
 - (i) if the fuel consumption is 5.0 litres per hundred kilometres or less, to the nearest 2 decimal places (amounts of 0.005 being treated as zero); and
 - (ii) if the fuel consumption is more than 5.0 litres per hundred kilometres, to the nearest decimal place (amounts of 0.05 being treated as zero); and
- (b) the fuel consumption in miles per gallon required to be stated in paragraph 12 of the particulars shall be calculated by dividing 282.481 by the fuel consumption in litres per hundred kilometres as determined by the tests (the results being expressed to one decimal place and amounts of 0.05 being treated as 0.1).”

6. In Article 9—

- (a) in paragraph (1)(a) for the words “the tests referred to in Article 6(1)” there shall be substituted “tests of the kind referred to in Article 6(1)(b)”;
- (b) in paragraph (1)(b)(ii) for the words “Part II” there shall be substituted “Part III”;
- (c) for paragraph (2) there shall be substituted the following paragraph—

“(2) Where no requirement has been made by the Secretary of State under paragraph (1) but the tests referred to in Article 6(1)(b) have been repeated by, or under arrangements made by, the applicant in respect of any class of car manufactured or imported by him and the conditions referred to in Article 6(2) are satisfied, the Secretary of State shall record the repeated test results by amending the official fuel economy certificate for the class of car for which the repeated tests were carried out.”

7. In Article 11 for “7(2)(a)” there shall be substituted “6(2)(a)”.

8. In Article 14—

- (a) in paragraph (2) for “7(4)” there shall be substituted “7(3)”;
- (b) for paragraph (3) there shall be substituted the following paragraphs—

“(3) For the purposes of paragraph (e) of section 15(3), the label to be affixed to a car shall—

- (a) in all respects (except size but including layout and variation of type) be—

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- (i) in a case where the car has been tested under the ECE test procedure or the EEC test procedure, in the form set out in Part I of Schedule 5;
 - (ii) in a case where the car has been tested under the new EEC test procedure in the form set out in Part II of Schedule 5;
 - (iii) in a case where the car has been tested in accordance with Article 6(1)(b) and the particulars submitted to the Secretary of State in accordance with Article 6(2)(c) included the particulars specified in paragraph 12.1 of Part III of Schedule 2, in the form set out in Part I of Schedule 5; and
 - (iv) in a case where the car has been tested in accordance with Article 6(1)(b) and the particulars submitted to the Secretary of State in accordance with Article 6(2)(c) included the particulars specified in paragraph 12.2 of Part III of Schedule 2, in the form set out in Part II of Schedule 5, and
- (b) be no smaller in size than the appropriate form in Schedule 5.
- (3A) The appropriate form shall, in all cases, be completed by the insertion in permanent and legible characters in the appropriate spaces of—
- (a) a distinctive reference to the models, that is to say the description of cars, to which the relevant official tests relate; and
 - (b) the results expressed in litres per 100 kilometres and miles per gallon of each test specified on the form.”

9. Article 17 shall be omitted.