
STATUTORY INSTRUMENTS

1996 No. 2330

ROAD TRAFFIC

The Motor Vehicles (Type Approval) (Great Britain) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>9th September 1996</i>
<i>Laid before Parliament</i>		<i>10th September 1996</i>
<i>Coming into force</i>	- -	<i>1st October 1996</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 54(1) and 61 of the Road Traffic Act 1988(1) and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Motor Vehicles (Type Approval) (Great Britain) (Amendment) Regulations 1996 and shall come into force on 1st October 1996.

Preliminary

2. The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984(2) shall be further amended in accordance with the following provisions of these Regulations.

Amendments to regulation 3 (interpretation)

3. In regulation 2(1), after the definition of “ECE Regulation” there shall be inserted the following definitions—

““emissions or noise item” means an item in Part I of Schedule 1 in respect of which the subject matter specified in column (2) of that Part is “exhaust emissions” or “noise and silencers;”.

“Framework Directive vehicle” means a vehicle to which these Regulations apply and which is a “vehicle” within the meaning of Council Directive 70/156/EEC(3) as amended

(1) 1988 c. 52.
(2) S.I.1984/981; relevant amending instruments are S.I. 1987/1509, 1989/1580, 1992/1341, 2161 and 2908, 1994/2190, 1995/1322.
(3) OJ No. L42, 23.2.70, p. 1.

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by Council Directive [87/403/EEC](#)(4), Council Directive [92/53/EEC](#)(5) and Commission Directive [93/81](#)(6);”.

Amendments to regulation 4

4.—(1) Regulation 4 shall be amended as follows.

(2) In paragraph (1A), there shall be inserted at the beginning the words “Subject to paragraph (3B),” and the words after sub-paragraph (b) shall be omitted.

(3) In paragraph (3A), for the words “items” onwards there shall be substituted the words “any emissions or noise item”.

(4) After paragraph (3A) there shall be inserted the following paragraph—

“(3B) No emissions or noise item shall apply to a Framework Directive vehicle on or after the date specified in column (6) of the item.”.

(5) At the end of paragraph (4) there shall be added the words “; and for the purposes of this paragraph, items 2A and 2B shall be regarded as items having the same subject matter”.

(6) For paragraph (11) there shall be substituted—

“(11) Schedules 1B and 1C (which treat certain emissions or noise items as if in certain circumstances specified dates were substituted for the entries in columns (5) and (6)) shall have effect.”.

Amendments to Schedule 1

5.—(1) Part I of Schedule 1 shall be amended as follows.

(2) For item 4H there shall be substituted—

4H	Exhaust emissions	Council Directive 88/77/EEC of 3 December 1987 as amended by Council Directive 91/542/EEC of 1 October 1991 or ECE Regulation 49 of 15 April 1982 as	L36, 9.2.88, p. 33, L295, 25.10.91, p. 1.	Design, construction and equipment requirements in Annex I, paragraph 6 (excluding line B in the Table in sub-paragraph 6.2.1)	1. Vehicles propelled by spark ignition engines. 2. Vehicles with less than 4 wheels if they are constructed not to exceed a speed of 30 mph on the level under their own power or if they have an unladen	1.10.1992 1.10.1996 (but see regulation 4(11) and Schedule 1C) 1.10.1993 1.10.1996 (but see regulation 4(11) and Schedule 1C)
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(4) OJ No. L220, 8.8.87, p. 44.
(5) OJ No. L225, 10.8.92, p. 1.
(6) OJ No. L264, 23.10.93, p. 49.

amended on 14 May 1990 and 30 December 1992 paragraphs 5 and 6 (excluding line B in the Table in sub-paragraph 5.2.1). weight of less than 400kg. **3. Vehicles fuelled by liquid petroleum gas.**

(3) After item 4L, there shall be inserted the following items—

4M	Exhaust emissions	Council Directive 88/77/EEC of 3 December 1987 as amended by Council Directive 91/542/EEC of 1 October 1991 or ECE Regulation 49 of 15 April 1982 as amended on 14 May 1990 and 30 December 1992	L36, 9.2.88, p. 33 and L295, 25.10.91, p. 1.	Design, construction and equipment requirements in Annex I, paragraph 6 (excluding line A in the Table in sub-paragraph 6.2.1). Design, construction and equipment requirements in paragraphs 5 and 6 (excluding line A in the Table in sub-paragraph 5.2.1).	1. Vehicles propelled by spark ignition engines. 2. Vehicles with less than 4 wheels if they are constructed not to exceed a speed of 30 mph on the level under their own power or if they have an unladen weight of less than 400kg. 3. Vehicles fuelled by liquid petroleum gas.	1.1992	1.10.1993
4N	Exhaust emissions	Council Directive 88/77/EEC of 3 December 1987 as amended by Council Directive	L36, 9.2.88, p. 33, L295, 25.10.91, p. 1 and L40 17.2.96, p. 1.	Design, construction and equipment requirements in Annex I, paragraph 6 (excluding	1. Vehicles having— (a) an engine with a cylinder capacity of not	1.10.1996	1.10.1997

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91/542/
EEC of 1
October
1991 and
European
Parliament
and
Council
Directive
96/1 of 22
January
1996

line A in
the Table
in sub-
paragraph
6.2.1)

less
than
700
cc;
and
(b) a
rated
power
speed
(within
the
meaning
of
Council
Directive
88/77/
EEC
amended
as
specified
in
column
3(a))
of
more
than
3,000
revolutions
per
minute.

2. Vehicles
propelled
by spark
ignition
engines.

3. Vehicles
with less
than 4
wheels if
they are
constructed
not to
exceed a
speed of
30 mph on
the level
under their
own
power or if
they have
an unladen

weight of
less than
400kg.

4. Vehicles
fuelled by
liquid
petroleum
gas.

(4) In item 14G, in column (6), there shall be inserted the words “1.1.97 (but see regulation 4(14) and Schedule 1C)”.

(5) After item 14H there shall be inserted the following item—

14I	Noise and Silencers	Council Directive 70/157/EEC of 6 February 1970 as amended by Commission Directive 73/350/EEC of 7 November 1973, Council Directive 77/212/EEC of 8 March 1977, Commission Directives 81/334/EEC of 13 April 1981, 84/372/EEC of 3 July 1984 and Council Directives 84/424/EEC of 3 September 1984 and 92/97/EEC of 10 November 1992 and Commission Directive	L42, 23.2.70, p. 16 (SE 1970(I), p.111), L321, 22.11.73, p. 33, L66, 12.3.77, p. 33, L131, 18.5.81 p. 6, L196, 26.7.84, p. 47, L238, 6.9.84, p. 31, L371, 19.12.92, p. 1 and L92, 13.4.96, p. 23.	Design, construction and equipment requirements in Annex I, paragraph 5. Marking requirements in Annex I, paragraph 3.	1.10.1996
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96/20/EC of
27 March
1996.

(6) After item 2A, there shall be inserted the following item—

2B	Electromagnetic compatibility of vehicles	Commission Directive 95/54/EC of 31.10.1995	L266, 8.11.95, p. 1.	Design and construction requirements in Annex I paragraphs 6 and 8. Marking requirements in Annex I, paragraph 5.	Vehicles not propelled by spark ignition engines.	1.10.1996
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Amendments to Schedule 1B

6.—(1) Schedule 1B shall be amended as follows.

(2) For paragraphs 1 and 1A in Part I, there shall be substituted—

“1. This Schedule has effect subject to Schedule 1C.

1A. Where an entry in column (5) or (6) of an item in Part I of Schedule 1 comprises the words “See regulation 4(14) and Schedule 1B” these Regulations shall have effect as if for that entry there were substituted the date determined in accordance with the following provisions of this Schedule.”.

(3) In the Table in Part II, in the heading to column (1) after the words “Item in” there shall be inserted the words “Part I of”.

(4) In that Table in column (2) of items 14E and 14F for the words “All vehicles” there shall in each case be substituted “All vehicles having 4 or more wheels”

(5) In that Table in column (4)(b)—

(a) in the entry relating to item 2I in Part I of Schedule 1, for “31.12.1996” there shall be substituted “1.1.1997”; and

(b) in the entry relating to item 4E in that Part, for “30.9.1996” there shall be substituted “1.10.1996”.

(6) Parts III and IV of Schedule 1B shall be omitted.

New Schedule 1C

7. After Schedule 1B there shall be inserted Schedule 1C as set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Transport

9th September 1996

John Bowis
Parliamentary Under Secretary of State,
Department of Transport

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SCHEDULE

Regulation 7

SCHEDULE 1C TO THE MOTOR VEHICLES (TYPE APPROVAL) (GREAT BRITAIN) REGULATIONS 1984

“SCHEDULE 1C

Regulation 4(11)

PART I

1.—(1) An emissions or noise item shall have effect in relation to a type approval end of series vehicle or a late entry into service vehicle as if for the entry or entries in column (6) there were substituted a reference to the first anniversary of the relevant date.

(2) For the purpose of this Schedule—

- (a) “type approval end of series vehicle” and “late entry into service vehicle” have the meanings given in Parts II and III of this Schedule;
- (b) “relevant date”, in relation to an emissions or noise item, means the date which, ignoring this Schedule, is the date specified in column (6) of the item.

PART II

MEANING OF “TYPE APPROVAL END OF SERIES VEHICLE”

Meaning of “type approval end of series vehicle”

2.—(1) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to an item, if it meets the requirements of sub-paragraph (2) in relation to the item.

(2) A vehicle meets the requirements of this sub-paragraph, in relation to the item, if—

- (a) it was manufactured during the two year period ending immediately before the relevant date;
- (b) no EC certificate of conformity has been issued in respect of the vehicle;
- (c) before the relevant date there was in force for the vehicle a certificate of conformity or a sub-MAC; and the MAC or TAC (as the case may be) had been issued by virtue of an emissions or noise item that—
 - (i) then applied to the vehicle, but
 - (ii) ignoring this Schedule, would have ceased to apply immediately before that date under regulation 4(4A);
- (d) it was the territory of a relevant state at some time before the relevant date;
- (e) the number of relevant vehicles which were—
 - (i) manufactured before that vehicle was manufactured, and
 - (ii) still in existence on the relevant date,was less than the specified number or 50 (whichever is the greater).

(3) For the purposes of this paragraph—

- (a) “MAC”, in relation to a sub-MAC, means the Minister’s approval certificate issued under section 58(1) of the Road Traffic Act 1988 by virtue of which the sub-MAC was issued;

- (b) “sub-MAC” means a Minister’s approval certificate issued under section 58(4) of the Road Traffic Act 1988;
- (c) “TAC”, in relation to a certificate of conformity, means the type approval certificate by virtue of which the certificate of conformity was issued.

Meaning of “relevant vehicle” for the purposes of this Part

3.—(1) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) applies (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) in respect of which the following requirements are met.

The requirements are that—

- (a) it is a vehicle to which sub-paragraph (3) applies;
- (b) it meets the requirements specified in paragraphs (a) to (d) of paragraph 2(2);
- (c) it was manufactured by the manufacturer of the vehicle in question; and
- (d) it had not been registered under the Vehicle Excise and Registration Act 1994(7) before the relevant date.

(2) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) does not apply (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) in respect of which the following requirements are met.

The requirements are that—

- (a) it is a vehicle to which sub-paragraph (4) applies;
- (b) it meets the requirements specified in paragraphs (b) to (d) of sub-paragraph (1).

(3) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 88/77.

(4) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 83/351 not being a vehicle to which paragraph (3) applies.

Meaning of “specified number” for the purposes of this Part

4.—(1) For the purposes of paragraph 2(2)(e), in relation to a particular vehicle (in this paragraph referred to as “the vehicle in question”) and a particular item to which sub-paragraph (3) applies, “the specified number” is 10% of the total number of vehicles to which those Regulations apply that were both—

- (a) manufactured by the manufacturer of the vehicle in question; and
- (b) registered under the Vehicles Excise Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the relevant date.

(2) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) does not apply (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles to which sub-paragraph (4) applies that were both—

- (a) manufactured by the manufacturer of the vehicle in question; and
- (b) registered under the Vehicles Excise Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the relevant date.

(7) 1994 c. 22.

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(3) This sub-paragraph applies to a vehicle which is “vehicle” within the meaning of Community Directive 88/77.

(4) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 83/351 not being a vehicle to which paragraph (3) applies.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part

5.—(1) For the purposes of paragraph 2(2)(d)—

- (a) at any material time before the 5th November 1993, “relevant state” means a member State;
- (b) in relation to any time on or after 5th November 1993 but before 1st May 1995, “relevant state” means an EEA State other than Liechtenstein; and
- (c) in relation to any time on or after 1st May 1995, “relevant state” means any EEA State.

(2) For the purposes of this paragraph—

“EEA agreement” means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the protocol signed at Brussels on the 17th March 1993; and

“EEA State” means a State which is a contracting party to the EEA agreement.

PART III

MEANING OF “LATE ENTRY INTO SERVICE VEHICLE” IN PART I

Meaning of “late entry into service vehicle” in paragraph 1

6.—(1) For the purposes of paragraph 1, a vehicle is a late entry into service vehicle, in relation to an item, if—

- (a) no EC certificate of conformity has been issued in respect of the vehicle;
- (b) it was in the territory of a relevant state at some time before the relevant date;
- (c) it was manufactured at least two years before the relevant date;
- (d) before the relevant date there was in force for the vehicle a certificate of conformity or a sub-MAC; and the MAC or TAC (as the case may be) had been issued by virtue of an emissions or noise item that
 - (i) then applied to the vehicle, but
 - (ii) ignoring this Schedule, would have ceased to apply immediately before that date under regulation 4(4A).

(2) In this paragraph “MAC”, “sub-MAC” and “TAC” have the same meanings as in paragraph 2.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant State for the purposes of this Part

7. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 6(1)(b) as it has effect for the purposes of paragraph 2(2)(d).”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984.

Regulation 3 of these Regulations inserts definitions of “emissions or noise item” and “Framework Directive vehicle” into regulation 2 of the 1984 Regulations.

Regulation 4 amends the provisions relating to the applicability of type approval requirements, as contained in regulation 4 of the 1984 Regulations, in relation to emissions and noise.

Regulation 5 amends the type approval requirements set out in Schedule 1 to the 1984 Regulations in relation to exhaust emissions, noise and silencers and electromagnetic compatibility of vehicles.

Regulation 6 makes certain changes to Schedule 1B (modification of applicable dates of type approval requirements) to the 1984 Regulations.

Regulation 7 inserts into the 1984 Regulations a new Schedule 1C which modifies the effect of those Regulations in relation to “end of series vehicles” and “late entry into service vehicles” as defined in that Schedule.

Compliance Cost Assessments in respect of directives [92/97/EEC](#) and [95/54/EC](#) have been prepared and copies can be obtained from the Department of Transport, Zone 2/05, Great Minster House, London SW1P 4DR (Telephone 0171-271 4632). Copies have been placed in the Libraries of each House of Parliament. Copies of the relevant Directives and ECE regulations can be obtained from Her Majesty’s Stationery Office. The details are set out in the tables below.

DIRECTIVES

Principal Instrument	Amendments
Council Directive 70/156/EEC (OJNo. L42, 23.2.70, p. 1).	Council Directive 87/403/EEC (OJ No. L220, 8.8.87, p. 44); Council Directive 92/53/EEC (OJ No. L225, 10.8.92, p. 6); and Council Directive 93/81/EEC (OJ No. L264, 23.10.93 p. 49)
Council Directive 70/157/EEC (OJ No. L42, 23.2.70, p.16)	Commission Directive 73/350/EEC (OJ No. L321, 22.11.73, p. 33); Council Directive 77/212/EEC (OJ No. L66, 12.3.77, p. 33); Commission Directive 81/334/EEC (OJ No. L131, 18.5.81, p. 6); Commission Directive 84/372/EEC (OJ No. L196, 26.7.84, p. 47);

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Principal Instrument	Amendments
	Council Directive 84/424/EEC (OJ No. L238, 6.9.84, p. 31);
	Council Directive 92/97/EEC (OJ No. L371, 19.12.92, p. 1);
	Directive of the European Parliament and Council 96/20/EC (OJ No. L92, 13.4.96, p. 23).
Council Directive 70/220/EEC (OJ No. L76, 6.4.70, p. 1. (SE 1970(I) p. 171).	Council Directive 83/351/EEC (OJ No. L197, 20.7.83, p. 1).
Commission Directive 95/54/EC (OJ No. L266, 8.11.95, p. 1).	
Council Directive 88/77/EEC (OJ No. L36, 9.2.88, p. 33).	Council Directive 91/542/EEC (OJ No. L295, 25.10.91, p. 33);
	Directive of the European Parliament and Council 96/1/EC (OJ No. L40, 17.2.96, p. 1).

ECE REGULATION

Principle Instrument	Amending Instruments
Regulation 49 annexed to the Agreement Concerning the Adoption of Uniform Conditions of Approval for Motor Vehicle Equipment and Parts and Reciprocal Recognition of Approval concluded at Geneva on 20th March 1958 (Cmnd 2535) as amended (Cmnd 3562) to which the United Kingdom is a party by an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on the 15th January 1963.	Amended on 14th May 1990 and 30th December 1992