
STATUTORY INSTRUMENTS

1997 No. 1501

ROAD TRAFFIC

**The Motor Vehicles (EC Type Approval)
(Amendment) (No. 2) Regulations 1997**

<i>Made</i>	- - - -	<i>11th June 1997</i>
<i>Laid before Parliament</i>		<i>23rd June 1997</i>
<i>Coming into force</i>	- -	<i>16th July 1997</i>

The Secretary of State for Transport, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ 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 powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 1997 and shall come into force on 16th July 1997.

Preliminary

2. The Motor Vehicles (EC Type Approval) Regulations 1992⁽³⁾ shall be further amended in accordance with the following provisions of these Regulations.

Amendment to Regulation 2 (Interpretation)

3. In regulation 2(1), after the definition of “the 1980 Regulations” there shall be inserted the following—

““the 1984 Regulations” means the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984⁽⁴⁾”.

(1) S.I. 1972/1811.

(2) 1972 c. 68. The enabling powers conferred on him by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51).

(3) S.I. 1992/3107, to which there are amendments not relevant to these Regulations.

(4) S.I. 1984/981; relevant amending instruments are S.I. 1992/2908 and 3173 and 1997/1502.

Amendments to Regulation 10 (Conditions for grant of first licence or registration)

4. In regulation 10, paragraph (3) shall be amended as follows—
- (a) the word “or” immediately after sub-paragraph (a) shall be omitted;
 - (b) after sub-paragraph (b) there shall be inserted the following sub-paragraphs—
 - “(c) a Minister’s approval certificate which has been issued under section 58(4) of the 1988 Act(5) has effect with respect to the vehicle and is—
 - (i) in a form prescribed by regulation 9(4) of the 1984 Regulations, or
 - (ii) endorsed in accordance with regulation 9(6) of the 1984 Regulations;
 - (d) the vehicle falls within regulation 3(2)(g) of the 1984 Regulations; or
 - (e) sections 63, 65 and 65A of the 1988 Act have become applicable to the vehicle after a period of use on roads during which, by virtue of section 183(2) of the 1988 Act (which relates to vehicles in the service of the Crown), those sections did not apply to it.”

End of Series Vehicle

5. After regulation 10, there shall be inserted the following—

“End of series vehicles

10A.—(1) This regulation applies to an EC vehicle type approval if—

- (a) it has been granted by the Secretary of State or under any provision of the law of a member State other than the United Kingdom giving effect to Article 4 of the Directive; and
- (b) the Secretary of State is satisfied that it is going to cease to have effect as a consequence of one or more of the separate Directive approvals referred to in its information package being no longer valid.

(2) Subject to sub-paragraph (3), in such a case the Secretary of State may, at the request of the holder of the EC vehicle type approval to which this regulation applies, direct that every relevant EC certificate of conformity shall continue to have effect for the purposes of—

- (a) Part II of the 1988 Act,
- (b) Part IV of the 1981 Order(6), and
- (c) this Part of these Regulations,

for the period of 12 months beginning with the date on which the EC type approval ceases to have effect in the case of complete vehicles and for the period of 18 months beginning with that date in the case of completed vehicles.

(3) Such a direction—

- (a) may be given only at a time when the EC type approval has effect;
- (b) shall cease to have effect if—
 - (i) the EC type approval is withdrawn under regulation 8(2), or

(5) “The 1988 Act” is defined in regulation 2(1) of the Motor Vehicles (EC Type Approval) Regulations 1992 as meaning the Road Traffic Act 1988 (c. 52). Sections 57, 63, 66, 85, 86 and 183 were amended by, and sections 64A and 65A were inserted by, Schedule 2 to those Regulations.

(6) “The 1981 Order” is defined in regulation 2(1) of the Motor Vehicles (EC Type Approval) Regulations 1992 as meaning the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)). Article 31A was inserted by S.I. 1985/755 (N.I. 6).

- (ii) the EC type approval is withdrawn under any provision of the law of a member State other than the United Kingdom giving effect to Article 4 of the Directive, or
 - (iii) otherwise ceases to have effect for a reason other than that referred to in sub-paragraph (1)(b), and
- (c) shall have effect subject to regulations 8(6) and 9.
- (4) For the purposes of paragraph (2), an EC certificate of conformity is a relevant EC certificate of conformity in relation to an EC type approval (as from the time that the EC type approval ceases to have effect) if the vehicle to which it relates is an end of series vehicle.
- (5) If, following a request by a holder of EC type approval, the Secretary of State refuses to exercise his powers under paragraph (2), he shall give notice of his decision to the holder.
- (6) In this regulation, “end of series vehicle” has the meaning given by Schedule 1A.”

Amendment to Regulation 12 (Duty to give reasons etc.)

6. In regulation 12, the word “or” immediately after sub-paragraph (c) shall be omitted and after “or (11)” in sub-paragraph (d) there shall be inserted—

“, or

(e) regulation 10A(5)”.

Definition of “End of Series Vehicle”

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

Signed by authority of the Secretary of State

11th June 1997

Helene Hayman
Parliamentary Under Secretary of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

THE SCHEDULE

Regulation 7.

“SCHEDULE 1A

Regulation 10A

MEANING OF “END OF SERIES VEHICLE” FOR THE PURPOSE OF REGULATION 10A

1.—(1) For the purposes of regulation 10A, a vehicle is an “end of series vehicle”, in relation to an EC type approval to which regulation 10A applies, if—

- (a) an EC certificate of conformity has been issued in respect of the vehicle under that EC type approval (whether before or after the giving of the direction);
- (b) the vehicle was in the territory of an EEA State at a time when the EC type approval had effect;
- (c) it was manufactured with the intention that it should be supplied by retail for use in the United Kingdom;
- (d) it was not registered under the 1994 Act on the date on which the relevant EC type approval ceases to have effect, and
- (e) it is a vehicle forming part of the allocation of vehicles to a relevant person under sub-paragraphs (2) to (7).

(2) The Secretary of State shall make an allocation in accordance with sub-paragraphs (3) to (7) to each relevant person who makes a request to him under regulation 10A not later than one month before the relevant EC type approval ceases to have effect.

(3) Subject to sub-paragraphs (4) to (7), there shall be allocated to each relevant person in respect of each vehicle model manufactured by him in conformity with the relevant EC type approval—

- (a) the number of vehicles of that model in respect of which the request is made, or
- (b) 10 per cent of the total number of relevant vehicles of that model,

whichever is the less.

(4) Subject to sub-paragraphs (6) and (7), where 10 per cent of the total number of relevant vehicles exceeds the number of vehicles allocated in accordance with sub-paragraph (3), to all relevant persons, there shall be allocated to each relevant person to whom fewer than 50 vehicles have been allocated under sub-paragraph (3), instead of the allocation under that sub-paragraph—

- (a) the number of relevant vehicles in respect of which the request was made, or
- (b) the excess number of vehicles divided between such relevant persons so that there is allocated to each that proportion which the number of vehicles in respect of which he made the request bears to the total number of vehicles in respect of which requests have been made by all such relevant persons, or
- (c) 50 vehicles,

whichever is the less.

(5) Subject to sub-paragraphs (6) and (7), where 10 per cent of the total number of relevant vehicles is greater than the number of vehicles allocated in accordance with sub-paragraphs (3) and (4), the excess shall be divided between the relevant persons so that there is allocated to each in addition to the allocations under those sub-paragraphs that proportion which the number of vehicles in respect of which he made his request bears to the total number of vehicles in respect of which requests have been made by all relevant persons.

(6) Where the number of vehicles allocated to a relevant person in accordance with sub-paragraphs (3) to (5) is less than the number of vehicles in respect of which he made a request, the vehicles allocated to him shall be determined in accordance with the order of manufacture, taking the earliest first.

(7) In allocating vehicles in accordance with sub-paragraphs (3) to (5) no regard shall be had to numbers less than one.

2.—(1) In this Schedule—

- (a) “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽⁷⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽⁸⁾;
- (b) “EEA State” means a State which is a contracting Party to the EEA Agreement;
- (c) a “relevant person” means a person who has made a request to the Secretary of State under regulation 10A;
- (d) “a relevant vehicle” means a vehicle—
 - (i) in respect of which an EC certificate of conformity has been issued under the relevant EC type approval, and
 - (ii) which was registered under the 1994 Act during the 12 month period ending immediately before the date on which the relevant EC type approval ceased to have effect;
- (e) “the relevant EC type approval” means the EC type approval in respect of which the request has been made to the Secretary of State under regulation 10A, and
- (f) “the 1994 Act” means the Vehicle Excise and Registration Act 1994⁽⁹⁾.

(2) For the purposes of this Schedule, a vehicle shall be regarded as “manufactured” when its final assembly is completed.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (EC Type Approval) Regulations 1992 by inserting a new regulation 10(3)(c), (d) and (e) and a new regulation 10A.

The 1992 Regulations implemented Council Directive [70/156/EEC](#) (as amended) on the approximation of the Laws of Member States relating to the type-approval of motor vehicles and their trailers (“the amended Directive”). Those Regulations amongst other things, make it necessary for a vehicle to have a valid EC certificate of conformity before it can be sold, issued with an excise licence or registered. The amendments made by these Regulations exempt certain vehicles from such a requirement in accordance with the provisions of the amended Directive.

The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984 enable Minister’s approval certificates to be issued in a special form for vehicles of the same or similar model and manufactured by the same manufacturer up to a limit of 500 each year. The new regulation 10(3)(c)(i) of the 1992 Regulations exempts a vehicle that has been issued with a Minister’s approval certificate in that form from the need to have a valid EC certificate of conformity. This implements the derogation in Article 8(2)(a) of the amended Directive.

⁽⁷⁾ Cm 2073.

⁽⁸⁾ Cm 2183.

⁽⁹⁾ [1994 c. 22](#).

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The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984 provide for a Minister's approval certificate to be endorsed if it is issued for a vehicle that has undergone minor alterations since an EC certificate was issued for it. The new regulation 10(3)(c)(ii) of the 1992 Regulations permits a licence to be granted for a vehicle in respect of which a Minister's approval certificate so endorsed has been issued.

The new regulation 10(3)(d) of the 1992 Regulations exempts certain prototype vehicles from the need to have an EC certificate of conformity and the new regulation 10(3)(e) of the 1992 Regulations exempts certain vehicles previously in the public service of the Crown from the need to have an EC certificate of conformity. These provisions clarify the scope of the 1992 Regulations in accordance with the amended Directive.

Article 8(2)(b) of the amended Directive permits a limited number of vehicles for a limited period to be sold and registered in an EEA State if they conform to a type of vehicle whose type approval is no longer valid. The new regulation 10A of the 1992 Regulations gives effect to that derogation.

The relevant amendments to Council Directive [70/156/EEC](#) are made by Council Directive [92/53/EEC](#). Copies of those Directives can be obtained from the Stationery Office. The details are as follows:

Council Directive [70/156/EEC](#) (OJ No. L42, 23.2.70, p.1).

Council Directive [92/53/EEC](#) (OJ No. L225, 10.8.92, p.1).