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STATUTORY INSTRUMENTS

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**1998 No. 1008**

**ROAD TRAFFIC**

**The Motor Vehicles (Approval) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>7th April 1998</i>
<i>Laid before Parliament</i>		<i>8th April 1998</i>
<i>Coming into force</i>	- -	<i>30th April 1998</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 54, 61, 63 and 66 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, commencement and interpretation**

1.—(1) These Regulations may be cited as the Motor Vehicles (Approval) (Amendment) Regulations 1998.

(2) These Regulations shall come into force on 30th April 1998.

(3) In these Regulations “the principal Regulations” mean the Motor Vehicles (Approval) Regulations 1996(2).

**Preliminary**

2. The principal Regulations shall be further amended in accordance with the following provisions of these Regulations.

**Amendments of regulation 2 (Interpretation)**

3. In regulation 2(1) after the definition of “the Construction and Use Regulations” 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(3);”.

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(1) 1988 c. 52; section 61 was amended by the Road Traffic Act 1991 (c. 40), Schedule 8 and section 63 was amended by S.I. 1992/3107. Section 66 was amended by the Vehicle Excise and Registration Act 1994 (c. 22), Schedule 3, paragraph 24(4) and by S.I. 1992/3107.  
(2) S.I. 1996/3013, amended by S.I. 1997/1366 and 2934.  
(3) Cm 2072 and 2183.

**Amendment of regulation 3 (Application of Part II of the principal Regulations)**

4.—(1) Regulation 3(1) shall be amended as follows.

(2) In sub-paragraph (a) the words “or to which those Regulations would apply but for regulation 3(2)(a), (b), (e) or (j) of those Regulations” shall be omitted.

(3) In sub-paragraph (b) for the words “paragraph 1, 2 or 3” there shall be substituted “paragraph 1, 2, 3 or 4”.

**Amendment of regulation 4 (Approval requirements relating to relevant passenger vehicles)**

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

(2) In paragraph (4) for the words “three conditions” there shall be substituted “four conditions”.

(3) In paragraph (5)—

(a) for the words “three conditions” there shall be substituted “four conditions”; and

(b) at the end of sub-paragraph (c) there shall be inserted

“;

(d) that there is produced to the Secretary of State evidence that satisfies him that the vehicle has been found by the competent authority in another EEA State to comply with requirements applicable to the vehicle equivalent to those set out in column 3 in relation to the subject matter”.

**Amendment of regulation 5 (Application of Part III of the principal Regulations)**

6.—(1) Regulation 5(1) shall be amended as follows.

(2) In sub-paragraph (a) the words “or to which those Regulations would apply but for regulation 3(2)(q) or (r) of those Regulations” shall be omitted.

(3) In sub-paragraph (c) for the words “paragraph 1, 2 or 3” there shall be substituted “paragraph 1, 2, 3 or 4”.

**Amendment of regulation 6 (Approval requirements relating to relevant goods vehicles)**

7.—(1) Regulation 6 shall be amended as follows.

(2) In paragraph (4) for the words “three conditions” there shall be substituted “four conditions”.

(3) In paragraph (5)—

(a) for the words “three conditions” there shall be substituted “four conditions”; and

(b) at the end of sub-paragraph (c) there shall be inserted

“;

(d) that there is produced to the Secretary of State evidence that satisfies him that the vehicle has been found by the competent authority in another EEA State to comply with the requirements applicable to the vehicle in that State, being requirements which are equivalent to those set out in column 3 in relation to the subject matter”.

**Amendment of regulation 12 (Form of certificate)**

8. In regulation 12(2) after sub-paragraph (c) there shall be inserted—

“(ca) the letter “C” if the certificate is being issued on the basis that the vehicle meets the requirements of paragraph 4 of Schedule 1 to these Regulations;”.

### **Amendment of regulation 14 (obligatory certificates)**

**9.**—(1) Regulation 14 shall be amended as follows.

(2) In paragraph (2)—

(a) the word “or” immediately following sub-paragraph (b) shall be omitted; and

(b) at the end of sub-paragraph (c) there shall be inserted

“;

(d) a vehicle at a time when it was manufactured more than 10 years before that time;  
or

(e) a vehicle that meets the requirements specified in paragraph (2A)”.

(3) After paragraph (2) there shall be inserted the following paragraphs—

“(2A) The requirements referred to in paragraph (2)(e) are that—

(a) the person by whom the vehicle is kept (“the keeper”) is a member of a visiting force or of a member of the civilian component of a visiting force;

(b) the vehicle has been imported into the United Kingdom for the personal use of the keeper or of his dependants;

(c) there is not in force with respect to the vehicle—

(i) a Minister’s approval certificate issued in pursuance of these Regulations;

(ii) a certificate of conformity;

(iii) a Minister’s approval certificate in a form prescribed by regulation 14 of the 1982 Regulations or regulation 9 of the 1984 Regulations; or

(iv) an EC certificate of conformity; and

(d) not more than one other vehicle which meets the requirements of sub-paragraphs (a), (b) and (c) is kept in the United Kingdom by the keeper.

(2B) In paragraph (2A) the expressions “member of a visiting force” and “member of a civilian component of a visiting force” shall bear the same meanings as in Part I of the Visiting Forces Act 1952(4).”

(4) In paragraph (3) for “1st May 1998” there shall be substituted “1st July 1998”.

### **Amendment of Schedule 1**

**10.** In Schedule 1 to the principal Regulations after paragraph 3 there shall be inserted paragraph 4 set out in Schedule 1 to these Regulations.

### **Amendment of Schedules 2 and 3**

**11.**—(1) Schedule 2 shall be amended in accordance with Schedule 2 to these Regulations.

(2) Schedule 3 shall be amended in accordance with Schedule 3 to these Regulations.

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(4) 1952 c. 67. See sections 10 and 12.

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Signed by authority of the Secretary of State

*Helene Hayman*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

7th April 1998

SCHEDULE 1

Regulation 10

PARAGRAPH TO BE INSERTED INTO SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

**“Vehicles constructed by manufacturers using parts from a registered vehicle**

4. A vehicle meets the requirements of this paragraph if—
  - (a) it was constructed or assembled by a person carrying on a business in the course of which motor vehicles are normally constructed or assembled;
  - (b) it is equipped with an engine which has previously been used as the engine of another vehicle which had been registered under the Vehicle Excise and Registration Act 1994<sup>(5)</sup> or any earlier Act relating to the registration of mechanically propelled vehicles; and
  - (c) it is equipped with one or more of the following components taken from the same vehicle as the engine—
    - (i) chassis;
    - (ii) body;
    - (iii) suspension;
    - (iv) an axle;
    - (v) transmission; or
    - (vi) steering assembly.”

SCHEDULE 2

Regulation 11

AMENDMENT OF SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

- 1.—(1) Item 2 (radio suppression interference) shall be amended as follows.
  - (2) In column 3 paragraph 2 shall be omitted.
  - (3) In column 5 the second paragraph shall be omitted.
- 2.—(1) In item 3 (protective steering)—
  - (a) for column 4 there shall be substituted—

“For the purposes of this item—

“driver’s air-bag” means a flexible bag fitted to a vehicle and designed to be filled with gas under pressure in order to protect the driver in the event of a collision involving the front end of the vehicle.

“steering control” has the same meaning as in Directive [74/297/EEC](#).”; and
  - (b) in column 5 after sub-paragraph (c) there shall be inserted—

“Paragraph 1 shall not apply to a vehicle if—

    - (a) the vehicle is not one that meets the requirements of paragraph 3 or 4 of Schedule 1;
    - (b) it is fitted with a **driver’s air bag**; and

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(5) 1994 c. 22.

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(c) the **driver's air bag** was fitted at the time the vehicle was manufactured.

Paragraph 1 shall not apply to any switch fitted to the steering control of a vehicle if—

- (a) the vehicle is not one that meets the requirements of paragraph 3 or 4 of Schedule 1; and
- (b) the switch is an integral part of the steering control as originally fitted to the vehicle by its manufacturer and that it can be depressed into the steering control by finger pressure.”

3. In item 4 (exhaust emissions)—

- (a) in column 3 in paragraph 2(d) for the words “1st August 1994” there shall be substituted “1st August 1995”; and
- (b) in column 4 in the definition of “effective date” for the words “paragraph 3 of Schedule 1” there shall be substituted “paragraph 3 or 4 of Schedule 1”.

4. In item 6 (lamps, reflectors and devices)—

- (a) in column 3 for sub-paragraph (b) there shall be substituted—
  - “(b) regulation 18 of those Regulations except so far as it requires a vehicle—
    - (i) to comply with paragraph 12(c) of Part I of Schedule 4 to those Regulations; and
    - (ii) to be fitted with a dim-dip device or running lamp;”;
- (b) for column 5 there shall be substituted—

“This item, in so far as it requires any lamp (not being a filament lamp), reflector or device to bear a particular **standard mark** (or one of two or more **standard marks**), shall not apply to a vehicle if—

  - (a) in the case of a lamp or device, it meets the requirements as to intensity; and
  - (b) in the case of a reflector, it meets the standards as to **coefficient of luminous intensity**, of the instrument to which the **standard mark** (or as the case may be one of those **standard marks**) relates.

This item, in so far as it requires compliance with regulation 14 of the 1989 Regulations (filament lamps), shall not apply to a lamp if by virtue of the preceding paragraphs it could comply with this item without bearing any **standard mark**.

This item, in so far as it requires the headlamps (including a filament lamp fitted to a headlamp) fitted to a vehicle to bear a particular **standard mark** (or one of two or more **standard marks**), shall not apply to headlamps that emit sufficient light to illuminate the road in front of the vehicle on both main and dipped beam.

In the case of a rear direction indicator which is one of a number of lamps having a common housing and fitted to a vehicle (not being a vehicle which meets the requirements of paragraph 3 or 4 of Schedule 1 to these Regulations) paragraph 2(b)(i) of Schedule 7 of the 1989 Regulations shall apply as if for “400mm” there were substituted “480mm”.

5. In item 7 (rear-view mirrors) in column 5 for sub-paragraph (c) of the fourth paragraph there shall be substituted the following paragraph—

- “(c) Paragraph 4(b)(iii) shall not apply before 1st January 2001 in relation to a vehicle which is not a vehicle which meets the requirements of paragraph 3 or 4 of Schedule 1 to these Regulations.”

6. In item 10 (seat belt anchorages) in column 3 at the end of paragraph 1 there shall be inserted—

- “, as if for paragraph 4.3.3 there were substituted—

“(4.3.3) For outboard seating positions—other than front—of vehicles in the category M[infer]1 two lower anchorages are allowed.”

7.—(1) Item 12 (brakes) shall be amended as follows.

(2) In column 3 in paragraph 6(a) for the words “each axle” there shall be substituted “each steering axle”.

(3) In column 5 at the end there shall be inserted the following paragraph—

“Paragraph 7 shall not apply to a vehicle (except one which meets the requirements of paragraph 3 or 4 of Schedule 1 to these Regulations) if the brakes acting on its rear wheels are fitted with an **anti-lock device** and were so fitted at the time of its manufacture.”

8. In item 14 (glass in windcreens and other windows outside) for the entry in column 5 there shall be substituted—

“The requirements of regulation 32(2) and (7) of the Construction and Use Regulations shall not apply to the glazing fitted to any window, if that glazing provides a level of safety equivalent to glazing which complies with the requirements set out in column 3 of this item.

In relation to a vehicle fitted with a near-side exterior mirror (in addition to the obligatory off-side exterior mirror) which meets the requirements of item 7 (rear-view mirrors), the requirements of regulation 32(10) of those Regulations shall not apply to the glazing fitted to any window every part of which is behind the driver.”

9. In item 15 (seats and their anchorages) in column 3 in paragraph 2 for the words “placed on the outside of the seat close to the door” there shall be substituted “shall be accessible from outside the vehicle when the door is open”.

10.—(1) Item 16 (tyres) shall be amended as follows.

(2) In column 4 the definition of “relevant vehicle” shall be omitted.

(3) In column 5—

(a) in the first paragraph for the words “**relevant vehicle**” there shall be substituted “vehicle”;

(b) in the second paragraph for the words “**relevant vehicle**” there shall be substituted “vehicle”; and

(c) for the third paragraph there shall be substituted—

“Paragraph 3(c) and (d) shall not apply to a tyre fitted to a vehicle for which information on the load capacity and speed capability have been separately provided.”

11.—(1) Item 17 (interior fittings) shall be amended as follows.

(2) In column 4 at the end there shall be inserted—

““air bag” means a flexible bag fitted to a vehicle and designed to be filled with gas under pressure in order to protect the driver or a front seat passenger in the event of a collision involving the front of the vehicle.”

(3) In column 5—

(a) For the second paragraph there shall be substituted—

“This item shall not apply to any area inside a vehicle which is not inside the **head impact zone** for any **designated seating position**. After 31st December 1999 this exemption shall be of no effect except in relation to a vehicle which is an ambulance or a motor caravan.”

(b) at the end there shall be added—

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“Paragraph 1 (in so far as it relates to the surface of an instrument panel) and paragraph 2 shall not apply to a vehicle if—

- (a) it is not a vehicle which meets the requirements of paragraph 3 or 4 of Schedule 1;
- (b) it is fitted with **air bags** for the protection of the driver and the front seat passenger; and
- (c) those **air bags** were fitted at the time the vehicle was manufactured.”

12.—(1) Item 18 (external projections) shall be amended as follows.

(2) In column 5—

- (a) in sub-paragraph (d) after the word “discs” there shall be inserted “(including central wheel securing nuts)”;
- (b) the word “and” after sub-paragraph (f) shall be omitted; and
- (c) after sub-paragraph (g) there shall be inserted  
“; and  
(h) except in the case of a vehicle that meets the requirements of paragraph 3 or 4 of Schedule 1, any part of the external surface of the body (including without prejudice to the generality of this paragraph cosmetic features such as trim and badges) of the vehicle as originally manufactured, or as subsequently altered in a manner approved by the manufacturer, and which it is not reasonably practicable to remove.”

13. In item 19 (speedometers) in column 3 in paragraph 1 at the end there shall be inserted the words “and capable of being read by the driver at all times of the day or night”.

### SCHEDULE 3

Regulation 7(3)

#### AMENDMENT OF SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

1. In item 1 (exhaust emissions) in column 4, in the definition of “effective date” for the words “paragraph 3 of Schedule 1” there shall be substituted “paragraph 3 or 4 of Schedule 1”.

2.—(1) Item 4 (radio-interference suppression) shall be amended as follows.

- (2) In column 3 paragraph 2 shall be omitted.
- (3) In column 5 the second paragraph shall be omitted.

3.—(1) Item 5 (brakes) shall be amended as follows.

(2) In column 3 in paragraph 6(a) for the words “each axle” there shall be substituted “each steering axle”.

(3) In column 5 at the end there shall be added the following paragraph—

“Paragraph 7 shall not apply to a vehicle (except one which meets the requirements of paragraph 3 or 4 of Schedule 1 to these Regulations) if the brakes acting on its rear wheels are fitted with an **anti-lock device** and were so fitted at the time of its manufacture.”



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## EXPLANATORY NOTE

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

These Regulations further amend the Motor Vehicles (Approval) Regulations 1996 (“the 1996 Regulations”).

Regulations 3 and 6 of the 1996 Regulations are amended by regulations 4 and 6 of these Regulations so as to repeal some spent words and to extend the scope of Parts II and III of the 1996 Regulations to vehicles constructed by manufacturers using parts from a registered vehicle. This class is defined in Schedule 1 to the 1996 Regulations in a new paragraph 4 inserted by regulation 10 and Schedule 1 to these Regulations.

Regulations 4 and 6 of the 1996 Regulations are amended by regulations 5 and 7 of these Regulations so that a vehicle is taken to meet the approval requirements for a specified subject matter in Schedule 2 or 3 if evidence is produced to satisfy the Secretary of State that the vehicle has been approved by the competent authority in another EEA State (as defined by a new definition inserted by regulation 3) as complying with a requirement equivalent to that specified in the 1996 Regulations with respect to that subject matter.

Regulation 8 amends regulation 12 of the 1996 Regulations with regard to the form of Minister’s approval certificate.

Regulation 14 of the 1996 Regulations is amended by regulation 9 so as to alter the classes of vehicle for which a day is appointed for the purposes of section 63. To the vehicles excluded by the 1996 Regulations from the application of section 63 of the Road Traffic Act 1988 (obligatory type approval certificates, certificates of conformity and Minister’s approval certificates), there are added vehicles 10 years old or more and vehicles kept by members of visiting forces which satisfy the requirements specified in a new regulation 14(2A) of the 1996 Regulations. The appointed day in regulation 14(3) is put back from 1st May 1998 to 1st July 1998.

Regulation 11 introduces Schedule 2, which makes amends Schedule 2 to the 1996 Regulations (approval requirements for vehicles to which Part II of the 1996 Regulations apply), and Schedule 3 which amends Schedule 3 to the 1996 Regulations (approval requirements for vehicles to which Part III) applies.

These Regulations have been notified to the European Commission pursuant to Directive [83/189/EEC](#) of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1983 L 109, p. 8) as amended by Council Directive [88/182/EEC](#) of 22 March 1988 (OJ 1988 L 81, p. 75) and European Parliament and Council Directive [94/10/EEC](#) of 23 March 1994 (OJ 1994 L 100, p. 30).