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STATUTORY INSTRUMENTS

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**1998 No. 2051**

**ROAD TRAFFIC**

**The Motor Vehicles (EC Type Approval) Regulations 1998**

<i>Made</i>	- - - -	<i>19th August 1998</i>
<i>Laid before Parliament</i>		<i>1st September 1998</i>
		<i>23rd September</i>
<i>Coming into force</i>	- -	<i>1998</i>

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> for 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:—

**PART I**  
**PRELIMINARY**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Motor Vehicles (EC Type Approval) Regulations 1998 and shall come into force on 23rd September 1998.

(2) These Regulations extend to Northern Ireland.

**Revocation**

2. The Regulations specified in Schedule 3 are revoked to the extent specified in the third column of that Schedule.

**Interpretation**

3.—(1) In these Regulations—

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(1) S.I.1972/1811.  
(2) 1972 c. 68.

- “the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981(3);
- “the 1988 Act” means the Road Traffic Act 1988(4);
- “the 1980 Regulations” means the Motor Vehicles (Type Approval) Regulations 1980(5);
- “the 1984 Regulations” means the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984(6);
- “the 1985 Regulations” means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(7);
- “the 1987 Regulations” means the Motor Vehicles (Type Approval) (EEC) Regulations (Northern Ireland) 1987(8);
- “the 1994 Act” means the Vehicle Excise and Registration Act 1994(9);
- “the Framework Directive” means Council Directive 70/156/EEC(10) as amended by Council Directives 87/403/EEC(11), and 92/53/EEC(12) and Commission Directives 93/81/EEC(13) and 98/14/EC(14);
- “EC certificate of conformity” means any certificate of conformity issued by a manufacturer—
- (a) under regulation 5 of these Regulations, or
  - (b) under any provision of the law of a Member State other than the United Kingdom giving effect to Article 6 of the Framework Directive;
- “EC type approval” means—
- (a) vehicle type approval for a light passenger vehicle granted pursuant to the Framework Directive (an “EC vehicle type approval”), or
  - (b) system, component or separate technical unit type approval granted pursuant to a separate Directive (an “EC system, component or separate technical unit type approval”),
- and references to an application for EC type approval and other cognate expressions shall be construed accordingly;
- “EC type approval certificate” means a type approval certificate issued—
- (a) by the Secretary of State under regulation 4(5) of these Regulations, or
  - (b) under any provision of the law of a Member State other than the United Kingdom giving effect to Article 4 of the Framework Directive;
- “light passenger vehicle” has the meaning given in section 85 of the 1988 Act; and
- “separate Directive” means a Directive specified in the second column of an item in Schedule 1 to these Regulations as read with Directives (if any) specified in the third column of that item.

(2) Other expressions used in these Regulations which are also used in the Framework Directive shall have the same meaning as in the Framework Directive and cognate expressions shall be construed accordingly.

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- (3) S.I. 1981/154 (N.I. 1); Articles 31A to 31E were inserted by S.I. 1985/755 (N.I. 6); Articles 31D and 31E were amended and Article 31G inserted by S.R. 1993 No. 246.
  - (4) 1988 c. 52.
  - (5) S.I. 1980/1182, amended by S.I. 1982/7, 1986/1501, 1988/1103 and 1669, 1989/1578 and 2262, 1991/820, 2681 and 2830, and 1992/2154 and 3107.
  - (6) S.I. 1984/981, amended by S.I. 1984/1761, 1985/1651, 1987/1509, 1991/1022 and 1992/2908.
  - (7) S.R. 1985 No. 294 amended by S.R. 1987 No. 389, S.R. 1988 No. 405, S.R. 1990 No. 84, S.R. 1991 No. 408, S.R. 1992 Nos. 86 and 508, S.R. 1995 No. 38 and S.R. 1996 No. 156.
  - (8) S.R. 1987 No. 306, revoked by S.R. 1994 No. 240.
  - (9) 1994 c. 22.
  - (10) OJ No. L42, 23.2.70, p.1.
  - (11) OJ No. L220, 8.8.87, p.44.
  - (12) OJ No. L225, 10.8.92, p.1.
  - (13) OJ No. L264, 23.10.93, p.49.
  - (14) OJ No. L91, 25.3.98, p.1.

- (3) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations,
  - (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears, and
  - (c) a numbered Schedule is a reference to the Schedule so numbered in these Regulations.

## PART II

### EC TYPE APPROVAL GRANTED BY THE SECRETARY OF STATE

#### **Applications for grant or amendment of EC type approval**

- 4.—(1) An application for an EC type approval may be made to the Secretary of State.
- (2) Such an application shall be—
- (a) in writing, and
  - (b) accompanied by—
    - (i) the documents required by Article 3 of the Framework Directive, and
    - (ii) where appropriate, the documents referred to in Article 2(10) of Directive [98/14/EC\(15\)](#).
- (3) An application by the holder of an EC type approval for the approval to be amended shall be made in writing to the Secretary of State.
- (4) Where the Secretary of State decides to refuse an application made under this regulation he shall give notice of the refusal to the applicant.
- (5) Where the Secretary of State decides to grant or amend an EC type approval he shall issue an EC type approval certificate or (as the case may be) an amended EC type approval certificate.
- (6) Such a certificate shall be in the form required by the Framework Directive or the relevant separate Directive (as the case may be).
- (7) The Secretary of State may grant an EC component or separate technical unit type approval subject to restrictions on the use of, or conditions as respects the fitting of, a component or separate technical unit (as the case may be) of the type to which the approval relates, and when he does so he shall, unless the applicant has consented to the restrictions or conditions, give notice of his decision to the applicant.
- (8) The Secretary of State may refuse to grant an EC vehicle type approval if he is not satisfied that the applicant has made adequate arrangements to comply with regulations 5, 6 and 7.
- (9) The Secretary of State may refuse to grant an EC system, component or separate technical unit type approval if he is not satisfied that the applicant has made adequate arrangements to comply with regulation 6 or 8.
- (10) Without prejudice to paragraphs (8) and (9), the Secretary of State shall make any decision under this regulation in accordance with the Framework Directive and any relevant separate Directives and in particular the requirement of the Framework Directive that a Member State granting EC type approval shall ensure that adequate arrangements have been made to ensure that production vehicles, systems, components and separate technical units conform to the EC approved type.

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(15) OJ No. L91, 25.3.98, p.1.

### **EC certificates of conformity and approval marks**

5.—(1) The holder of an EC vehicle type approval granted by the Secretary of State shall comply with the requirements of Articles 5, 6(1) (holders to issue certificates of conformity) and Annex XIIB (End-of-Series Limits) of the Framework Directive.

(2) The holder of an EC vehicle type approval granted by the Secretary of State shall keep a record in respect of each EC certificate of conformity issued by him of—

- (a) the serial number of the certificate,
- (b) the vehicle identity number of the vehicle to which the certificate relates, and
- (c) the Community reference numbers of the Directives with which the vehicle conformed,

and shall retain all such records for 10 years or such lesser period as the Secretary of State may from time to time agree.

(3) The holder of an EC type approval granted by the Secretary of State for component or separate technical unit shall comply with the requirements of Article 6(3) (holders to affix mark) of the Framework Directive.

### **Tests and associated checks**

6. Where the holder of an EC type approval granted by the Secretary of State has given an undertaking to the Secretary of State as to the carrying out at specified intervals of tests or associated checks to verify conformity of production, the holder shall unless otherwise agreed by the Secretary of State—

- (a) comply with the undertaking, and
- (b) keep a record of the results obtained from such tests and associated checks and retain the records for 10 years or such lesser period as the Secretary of State may from time to time agree.

### **Duty to co-operate with the Secretary of State**

7. The holder of an EC type approval granted by the Secretary of State shall permit the Secretary of State to carry out the obligations of the United Kingdom in relation to the approval under Article 10(2) of the Framework Directive or any similar provision under a separate Directive and shall co-operate with any person acting on behalf of the Secretary of State in connection with those obligations.

### **Information concerning restrictions on the use of components and separate technical units**

8.—(1) This regulation applies where an EC component or separate technical unit type approval has, pursuant to regulation 4(7), been granted by the Secretary of State subject to restrictions or conditions.

(2) The holder shall not, in the course of supplying a component or separate technical unit manufactured by him and bearing an approval mark relating to that approval, deliver the component or separate technical unit unless it is accompanied by a document setting out the restrictions or conditions.

### **Withdrawal or suspension of EC type approval**

9.—(1) In this regulation a reference to a failure to conform to an EC type approval shall be construed in accordance with Article 11(1) of the Framework Directive.

(2) If the Secretary of State, after an examination has been carried out on his behalf of two or more—

- (a) light passenger vehicles associated with a single EC vehicle type approval granted by him, or
- (b) components or separate technical units, being components or separate technical units associated with a single EC component or separate technical unit type approval granted by him,

is satisfied that there has been a failure to conform to the approved type for each of those vehicles or, as the case may be, each of those vehicle components or separate technical units, he may by notice given to the holder withdraw the EC type approval.

(3) If, as a result of carrying out the obligations of the United Kingdom under Article 10(2) of the Framework Directive (with the co-operation of other Member States or otherwise) for an EC type approval issued by him, the Secretary of State is satisfied that—

- (a) the holder's arrangements for ensuring that production vehicles, systems, components or separate technical units (as the case may be) conform to the approved type no longer continue to be adequate, or
- (b) without prejudice to sub-paragraph (a), the holder has failed to comply with the requirements imposed by or under regulation 5, 6, 7 or 8,

the Secretary of State may by notice given to the holder suspend the EC type approval.

(4) Before withdrawing or suspending an EC type approval under this regulation, the Secretary of State shall give the holder notice stating that he is considering withdrawing the approval.

(5) Where the Secretary of State gives notice to the holder under paragraph (4)—

- (a) the holder may, within the period of 28 days beginning with the day on which notice is given, make representations with respect to the proposed withdrawal or suspension,
- (b) the Secretary of State shall not decide to withdraw or suspend the approval until the expiration of that period, and
- (c) before deciding whether or not to withdraw or suspend the approval, the Secretary of State shall take into account any such representations made by the holder during that period.

(6) If the holder of an EC type approval which has been suspended under this regulation purports to issue a certificate of conformity by virtue of that approval, the certificate shall be invalid, but a suspension shall not affect the validity of any certificate of conformity issued before the approval was suspended.

(7) A suspension under this regulation shall remain in force until it is revoked by the Secretary of State.

(8) The Secretary of State may, by notice under paragraph (4) or by subsequent notice given to the holder, exempt from paragraph (6) EC certificates of conformity or classes of EC certificates of conformity specified in the notice.

(9) If, following a request by the holder, the Secretary of State refuses to exercise his powers under paragraph (7) or (8) for an EC type approval which has been suspended under this regulation, he shall give notice of his decision to the holder.

(10) For the purposes of this regulation—

- (a) a vehicle is associated with an EC vehicle type approval if an EC certificate of conformity has been issued in respect of it and the certificate relates to that type approval, and
- (b) a component or separate technical unit is associated with an EC component or separate technical unit type approval if it has been marked with an approval mark and the marking relates to that type approval.

## PART III

### LICENSING AND REGISTRATION

#### **Powers of the Secretary of State in a case where a vehicle is a serious risk to road safety**

**10.**—(1) Where the Secretary of State considers that vehicles of a particular type in respect of which an EC type approval has effect are a serious risk to road safety, he may direct that for a specified period not exceeding six months all EC certificates of conformity issued under that EC type approval (whether before or after the giving of the direction) shall be invalid for the purposes of—

- (a) Part II of the 1988 Act,
- (b) Part IV of the 1981 Order, and
- (c) regulation 11.

(2) A direction under this regulation may be revoked by the Secretary of State.

(3) Notice of a direction under this regulation shall be given to the holder of the EC type approval.

(4) If, following a request by the holder, the Secretary of State refuses to exercise his powers under paragraph (2) for a direction given by him under this regulation, he shall give notice of his decision to the holder.

#### **Conditions for grant of first licence or registration**

**11.**—(1) Subject to paragraphs (4) to (10), where application is made for a first licence under the 1994 Act for a light passenger vehicle the licence shall not be granted unless one of the conditions in paragraph (3) is satisfied.

(2) Subject to paragraphs (4) to (10), the Secretary of State shall not register a light passenger vehicle under section 21 of the 1994 Act<sup>(16)</sup> as applied by regulations under section 22(2) of that Act to vehicles in respect of which duty is not chargeable under that Act, unless one of the conditions in paragraph (3) is satisfied.

(3) The conditions referred to in paragraphs (1) and (2) are that—

- (a) it is shown that an EC certificate of conformity has effect with respect to the vehicle,
- (b) a Minister's approval certificate issued under section 58(1) of the 1988 Act has effect with respect to the vehicle,
- (c) a Minister's approval certificate issued under section 58(4) of the 1988 Act has effect with respect to the vehicle and is—
  - (i) in a form prescribed by regulation 9(4) of the 1984 Regulations,
  - (ii) endorsed in accordance with regulation 9(6) of the 1984 Regulations, or
  - (iii) in a form prescribed by regulation 9(4) of the 1985 Regulations,
- (d) the vehicle falls within—
  - (i) regulation 3(2)(g) of the 1984 Regulations, or
  - (ii) regulation 3(2)(g) of the 1985 Regulations, or
- (e) sections 63, 65 and 65A<sup>(17)</sup> of the 1988 Act or Articles 31E and 31G of the 1981 Order 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 or Article 214 of the 1981 Order (which relates to vehicles in the service of the Crown), those sections or Articles did not apply to it.

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<sup>(16)</sup> Section 21 was amended by the Finance Act 1995 (c. 4), Schedule 4, paragraph 33.

<sup>(17)</sup> Sections 63 and 65 were amended and section 65A was inserted by the Motor Vehicles (EC Type Approval) Regulations 1992 (S.I. 1992/3107) and section 65A was amended by the Vehicle Excise and Registration Act 1994, Schedule 3, paragraph 24.

- (4) Paragraphs (1) and (2) shall not apply for a vehicle which—
- (a) conforms with a type vehicle in respect of which a national type approval certificate was issued before 1st January 1996,
  - (b) conforms with a vehicle in respect of which a Minister’s approval certificate was issued under section 58(1) of the 1988 Act before 1st January 1996, or
  - (c) belongs to the same type as a vehicle registered under section 21 of the 1994 Act before 1st January 1996.
- (5) This paragraph applies to a vehicle belonging to a type of vehicle in respect of which a national type approval certificate has been issued before the 1st January 1998 as an incomplete vehicle.
- (6) Paragraphs (1) and (2) shall not apply at any time before 1st January 2000—
- (a) for a vehicle to which paragraph (5) applies and which—
    - (i) conforms with a type vehicle in respect of which a national type approval certificate was issued before the 1st January 1998,
    - (ii) conforms with a vehicle in respect of which a Minister’s approval certificate was issued under section 58(1) of the 1988 Act before 1st January 1998, or
    - (iii) belongs to the same type as a vehicle registered under section 21 of the 1994 Act before 1st January 1998.
- (7) Paragraphs (1) and (2) shall not apply to a special purpose vehicle unless a manufacturer of such vehicle—
- (a) makes a request for the grant or amendment of EC type approval to the Secretary of State, and
  - (b) submits an application for EC type approval to the Secretary of State in accordance with regulation 4.
- (8) For the purposes of paragraphs (4)(a) and (6)(a)(i), a vehicle in respect of which a national certificate of conformity has effect shall be taken to conform with the relevant type vehicle; and for the purposes of paragraphs (4)(a) and (6)(a)(ii) a vehicle in respect of which a Minister’s approval certificate issued under section 58(4) of the 1988 Act has effect shall be taken to conform with the relevant vehicle in respect of which such a certificate was issued under section 58(1) of that Act.
- (9) For the purposes of paragraphs (4) and (6), a vehicle belongs to a particular type only if it would be treated for the purposes of the Framework Directive as belonging to that type.
- (10) Paragraphs (1) and (2) shall not apply in relation to—
- (a) the licensing or registration by a public or local authority of any vehicle intended by that authority to be used by them for the purposes of civil defence (within the meaning of the Civil Defence Act 1948(18)), or
  - (b) the licensing or registration by a police authority of any vehicle intended to be used for police purposes.
- (11) Where the Secretary of State, by virtue of this regulation, refuses to grant a first licence for a vehicle, he shall give notice of his decision to the applicant.
- (12) Where the Secretary of State, by virtue of this regulation, refuses to register a vehicle in respect of which duty is not chargeable under the 1994 Act, he shall give notice of his decision to the person who appears to him to be the keeper of the vehicle.
- (13) In this regulation—

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(18) 1948 c. 5; the definition of civil defence is in section 9.

- (a) references to a Minister’s approval certificate issued under section 58(1) of the 1988 Act include references to a Department’s approval certificate issued under Article 31A(4) of the 1981 Order, and
  - (b) the reference to a Minister’s approval certificate issued under section 58(4) of that Act includes a reference to a Department’s approval certificate issued under Article 31A(5) of that Order.
- (14) In this regulation—
- “conform” means conform (within the meaning of section 55(3) of the 1988 Act or Article 31A(7) of the 1981 Order) with the relevant aspects of design, construction, equipment and marking (as defined in section 54(6) of that Act or Article 31A(7) of that Order),
- “national certificate of conformity” means a certificate of conformity issued under section 57(1) of the 1988 Act or Article 31A(3) of the 1981 Order, and
- “national type approval certificate” means a type approval certificate issued under section 55(2) of the 1988 Act or Article 31A(2) of the 1981 Order.

### **End of series vehicles for EC type approval**

**12.**—(1) This regulation applies to an EC 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 Framework Directive, and
- (b) the Secretary of State is satisfied that it is going to cease to have effect in consequence of the provisions of the Framework Directive or a separate Directive.

(2) Subject to paragraph (3), the Secretary of State may, at the request of the holder of an EC 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, and
- (c) this Part of these Regulations,

for the period of 12 months for complete vehicles as from the date on which the EC type approval lost its validity and for the period of 18 months for completed vehicles as from the date on which the EC type approval lost its validity.

(3) A direction under paragraph (2)—

- (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 9(2), or
  - (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 Framework Directive, or
  - (iii) 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 9(6) and (9) and 11.

(4) For the purposes of paragraph (2), an EC certificate of conformity is a relevant EC certificate of conformity for 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 an 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 in Part I of Schedule 2.

### **End of series vehicles for national type approval**

**13.**—(1) This regulation applies to a national type approval if—

- (a) it has been granted by the Secretary of State under any provision of the 1984 Regulations or by the Department of the Environment for Northern Ireland under any provision of the 1985 Regulations, and
- (b) the Secretary of State is satisfied that it is going to cease to have effect in consequence of the provisions of regulation 11 of these Regulations.

(2) The Secretary of State may, at the request of the holder of a national type approval to which this regulation applies, direct that every relevant 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, and
- (c) this Part of these Regulations,

for the period of 12 months for complete vehicles as from the date on which the national type approval lost its validity and for the period of 18 months for completed vehicles as from the date on which the national type approval lost its validity.

(3) Such a direction—

- (a) may be given only at a time when the national type approval has effect; and
- (b) shall cease to have effect if—
  - (i) the national type approval is cancelled or suspended under regulation 8(1) of the 1984 Regulations or regulation 8(1) of the 1985 Regulations, or
  - (ii) the national type approval otherwise ceases to have effect for a reason other than that referred to in sub-paragraph (1)(b).

(4) For the purposes of paragraph (2), a certificate of conformity is a relevant certificate of conformity issued in accordance with the requirements of regulation 9(3) of the 1984 Regulations or regulation 9(3) of the 1985 Regulations (as from the time that the national 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 national 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 in Part II of Schedule 2.

## **PART IV**

### **MISCELLANEOUS**

#### **Forgery, false statements etc**

**14.**—(1) A person who, with intent to deceive—

- (a) forges, alters or uses a document to which this paragraph applies, or
- (b) lends to, or allows to be used by, any other person a document to which this paragraph applies, or

- (c) makes or has in his possession any document so closely resembling a document to which this paragraph applies as to be calculated to deceive, shall be guilty of an offence.
- (2) A person guilty of an offence under paragraph (1) shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.
- (3) Paragraph (1) applies to an EC type approval certificate and to an EC certificate of conformity.
- (4) A person who, in supplying information or producing documents for the purposes of these Regulations—
  - (a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
  - (b) produces, provides, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, provides, sends or otherwise makes use of a document which is false in a material particular, shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### **Duty to give reasons etc**

- 15.**—(1) A relevant notice shall specify the reasons for the decision to which it relates, the right to request a review under these Regulations and the time limit for making such a request.
- (2) In this regulation and regulation 16, “relevant notice” means a notice under—
- (a) regulation 4(4) or (7),
  - (b) regulation 9(2) or (3),
  - (c) regulation 10(3) or (4),
  - (d) regulation 11(10) or (11),
  - (e) regulation 12(5), or
  - (f) regulation 13(5).

#### **Review of decisions**

- 16.**—(1) Where the Secretary of State has given a relevant notice to a person, that person may by notice request the Secretary of State to review the decision to which the relevant notice relates.
- (2) Such a request shall be made by the person within 28 days from the date that he receives the relevant notice.
- (3) On any review under this regulation the Secretary of State may—
- (a) hold an inquiry in connection with it, and
  - (b) appoint an assessor for the purpose of assisting him with the review or any such inquiry.
- (4) Section 180 of the 1988 Act shall apply to an inquiry under this requirement as it applies to an inquiry under that Act.
- (5) In its application to Northern Ireland by virtue of paragraph (4), section 180 of the 1988 Act shall have effect as if in paragraph (a) of subsection (2) after the word “Wales” there were inserted the words “or Northern Ireland”.

#### **Service of notices**

- 17.**—(1) Any document required or authorised by virtue of these Regulations to be given to any person by the Secretary of State may be given—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address, or
- (b) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) on the secretary or clerk of that body, or
- (c) if the person is a partnership, by serving it in accordance with sub-paragraph (a) on a partner or a person having the control or management of the partnership business.

(2) For the purposes of this regulation and section 7 of the Interpretation Act 1978<sup>(19)</sup> (which relates to the service of documents by post) in its application to this regulation, the proper address of any person on whom a document is to be served shall be his last known address, except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body,
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership,

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom, is its principal office within the United Kingdom.

(3) If a person to be served by virtue of these Regulations with any document by the Secretary of State has specified to the Secretary of State an address within the United Kingdom other than his proper address (as determined in pursuance of paragraph (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall be treated as his proper address for the purposes of this regulation and for the purposes of the said section 7 in its application to this regulation.

### **Provision of testing stations**

**18.** The Secretary of State may provide and maintain stations where examinations of vehicles and of components of such vehicles to which these Regulations apply may be carried out for the purposes of these Regulations and may provide and maintain apparatus for carrying out such examinations.

### **Transitional**

**19.**—(1) An application for an EC type approval made under the 1980 Regulations or the 1987 Regulations or the Motor Vehicles (EC Type Approval) Regulations 1992<sup>(20)</sup> before the coming into force of these Regulations shall have effect as if it had been made under these Regulations.

(2) Nothing in these Regulations shall affect the validity of anything done under the 1980 Regulations or the 1987 Regulations or the Motor Vehicles (EC Type Approval) Regulations 1992 before the coming into force on these Regulations.

(3) This regulation does not apply to an application relating to the provisions set out in Part II of Schedule 2 to the 1980 Regulations or Part II of Schedule 3 to the 1987 Regulations.

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<sup>(19)</sup> 1978 c. 30.

<sup>(20)</sup> S.I. 1992/3107 amended by S.I. 1993/1221 and 2198, 1994/617 and 1570, 1995/2328 and S.I. 1997/191 and 1501.

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

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Signed by authority of the Secretary of State

19th August 1998

*Nick Raynsford*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

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

## SCHEDULE 1

Regulation 3(1)

## SEPARATE DIRECTIVES

<i>Item No.</i>	<i>Principal Directives</i>	<i>Amending Directives</i>	<i>Official Journal References</i>	<i>Subject matter</i>
1	70/157/EEC		L42, 23.2.70, p.16	Sound levels
		73/350/EEC*	L321, 22.11.73, p.33	
		77/212/EEC	L66, 12.3.77, p.33	
		81/334/EEC*	L131, 18.5.81, p.6	
		84/372/EEC*	L196, 26.7.84, p.47	
		89/424/EEC	L238, 6.9.84, p.31	
		89/491/EEC*	L238, 15.8.89, p.43	
		92/97/EEC	L371, 19.12.92, p.1	
		96/20/EC*	L92, 13.4.96, p.23	
2	70/220/EEC		L176, 6.4.70, p.1	
		74/290/EEC	L159, 15.6.74, p.61	
		77/102/EEC*	L32, 3.2.77, p.32	
		78/665/EEC*	L223, 14.8.78, p.48	
		83/351/EEC	L197, 20.7.83, p.1	
		88/76/EEC	L36, 9.2.88, p.1	
		88/436/EEC	L214, 6.8.88, p.1	
		89/458/EEC	L226, 3.8.89, p.43	
		89/491/EEC*	L238, 15.8.89, p.43	
		91/441/EEC	L242, 30.8.91, p.1	

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<i>Item No.</i>	<i>Principal Directives</i>	<i>Amending Directives</i>	<i>Official Journal References</i>	<i>Subject matter</i>
		93/59/EEC	L186, 28.7.93, p.21	
		94/12/EC	L100, 19.4.94, p.42	
		96/44/EC*	L210, 20.8.96, p.25	
		96/69/EC	L282, 1.11.96, p.64	
3	70/221/EEC		L76, 6.4.70, p.23	Fuel tanks/rear
		74/490/EEC*	L128, 26.5.79, p.22	protective devices
		81/433/EEC*	L131, 18.5.91, p.4	
		97/19/EC*	L125, 16.5.97, p.1	
4	70/222/EEC		L76, 6.4.70, p.25	Rear registration plate space
5	70/311/EEC		L133, 18.6.70, p.10	Steering equipment
		92/62/EC*	L199, 18.7.92, p.33	
6	70/387/EEC		L176, 10.8.70, p.5	Doors, latches and hinges
7	70/388/EEC		L176, 10.8.70, p.12	Audible warning
8	71/127/EEC		L68, 22.3.71, p.1	Rear visibility
		79/795/EEC*	L239, 22.9.79, p.1	
		85/205/EEC*	L90, 29.3.85, p.1	
		86/562/EEC*	L327, 2.11.86, p.49	
		88/321/EEC*	L147, 14.6.88, p.77	
9	71/320/EEC		L202, 6.9.71, p.37	Braking
		74/132/EEC*	L74, 19.3.74, p.7	
		75/524/EEC	L236, 8.9.75, p.3	

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		79/489/EEC*	L128, 26.5.79, p.12	
		85/647/EEC*	L380, 31.12.85, p.1	
		88/194/EEC*	L92, 9.4.88, p.47	
		91/422/EEC*	L233, 22.9.91, p.21	
		98/12/EC*	L81, 18.3.98, p.1	
10	72/245/EEC		L152, 6.7.72, p.15	Suppression (radio)
		89/491/EEC*	L238, 15.8.89, p.43	
		95/54/EC*	L266, 8.11.95, p.1	
11	72/306/EEC		L190, 20.8.72, p.1	Diesel smoke
		89/491/EEC*	L238, 15.8.89, p.43	
		97/20/EC*	L125, 16.5.97, p.21	
12	74/60/EC		L38, 11.2.74, p.2	Interior fittings
		78/632/EEC	L206, 29.7.78, p.26	
13	74/61/EEC	95/56/EC*	L38, 11.2.74, p.22 L286, 29.11.85, p.1	Anti-theft and immobiliser
14	74/297/EEC		L165, 20.6.74, p.16	Protective steering
		91/662/EEC*	L366, 31.12.91, p.1	
15	74/408/EEC		L221, 12.8.74, p.1	Seat strength
		81/577/EEC	L209, 29.7.81, p.34	
		96/37/EC*	L187, 25.7.96, p.28	
16	74/483/EEC		L266, 2.10.74, p.4	Exterior projections

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		79/488/EEC*	L128, 26.5.79, p.1	
17	75/443/EEC	97/39/EC*	L196, 26.7.75, p.1 L177, 5.7.97, p.15	Speedometer and reverse gear
18	76/114/EEC		L24, 30.1.76, p.1	Plates (statutory)
		78/507/EEC*	L155, 13.6.78, p.31	
19	76/115/EEC	81/575/EEC*	L24, 30.1.76, p.6 L209, 29.7.81, p.30	Seat belt anchorages
		82/318/EEC	L139, 19.5.82, p.9	
		90/629/EEC*	L341, 6.12.90, p.14	
		96/38/EC*	L187, 26.7.96, p.95	
20	76/756/EEC	80/233/EEC* 82/244/EEC*	L262, 27.9.76, p.1 L51, 25.2.80, p.8 L109, 22.4.82, p.31	Installation of lighting and light signalling devices
		83/276/EEC	L151, 9.6.83, p.47	
		84/8/EEC	L9, 12.1.84, p.24	
		89/278/EEC*	L109, 20.4.89, p.38	
		91/663/EEC*	L366, 31.12.91, p.17	
		97/28/EC*	L171, 30.6.97, p.1	
21	76/757/EEC		L262, 27.9.76, p.32	Reflex reflectors
		97/29/EC*	L171, 30.6.97, p.11	
22	76/758/EEC	89/516/EEC* 97/30/EC*	L262, 27.9.76, p.54 L265, 12.9.89, p.1 L171, 30.6.97, p.25	End-outline, front-position (side), rear-position (side), stop, side marker,

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<i>Item No.</i>	<i>Principal Directives</i>	<i>Amending Directives</i>	<i>Official Journal References</i>	<i>Subject matter</i>
				daytime running lamps
23	76/759/EEC		L262, 27.9.76, p.71	Direction indicators
		89/277/EEC*	L109, 20.4.89, p.25	
24	76/760/EEC	97/31/EC*	L262, 27.9.76, p.85 L171, 30.6.97, p.49	Rear registration plate lamps
25	76/761/EEC	89/517/EEC*	L262, 27.9.76, p.96 L265, 12.9.89, p.15	Headlamps (including bulbs)
26	76/762/EEC		L262, 27.9.76, p.122	Fog lamps (front)
27	77/389/EEC		L154, 13.6.77, p.41	Towing hooks
		96/64/EC*	L258, 11.10.96, p.26	
28	77/538/EEC		L220, 29.6.77, p.60	Rear fog lamps
		89/518/EEC*	L265, 12.9.89, p.24	
29	77/539/EEC		L200, 29.8.77, p.72	Reversing lamps
		97/32/EC*	L171, 30.6.97, p.63	
30	77/540/EEC		L220, 29.8.77, p.83	Parking lamps
31	77/541/EEC		L220, 29.8.77, p.95	Seat belts
		81/576/EEC*	L209, 29.7.81, p.32	
		82/319/EEC*	L139, 19.5.82, p.17	
		90/628/EEC*	L341, 6.12.90, p.1	
		96/36/EC*	L178, 17.7.96, p.15	

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32	77/649/EEC		L267, 19.10.77, p.1	Forward vision
		81/643/EEC*	L231, 15.8.81, p.41	
		88/366/EEC*	L181, 12.7.88, p.40	
		90/630/EEC*	L341, 6.12.90, p.20	
33	78/316/EEC	93/91/EC*	L81, 28.3.78, p.3 L284, 19.11.93, p.25	Identification of controls
		94/53/EC*	L299, 22.11.94, p.26	
34	78/317/EEC		L81, 28.3.78, p.27	Defrost/demist
35	78/318/EEC		L81, 28.3.78, p.49	Wash/wipe
		94/68/EC*	L354, 31.12.94, p.1	
36	74/548/EEC		L168, 26.6.78, p.40	Heating systems
37	78/549/EEC		L168, 26.6.78, p.45	Wheel guards
		94/78/EC*	L354, 31.12.94, p.10	
38	78/932/EEC		L325, 20.11.78, p.1	Head restraints
39	80/1268/EEC	89/491/EEC*	L375, 31.12.80, p.36 L238, 15.8.89, p.43	CO <sub>2</sub> emissions/ fuel consumption
		93/116/EC*	L329, 30.12.93, p.39	
40	80/1269/EEC		L375, 20.11.78, p.46	Engine power
		88/195/EEC	L92, 9.4.88, p.50	
		89/491/EEC*	L238, 15.8.89, p.43	
		97/21/EC*	L125, 16.5.97, p.31	

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41	88/77/EEC		L36, 9.2.88, p.33	Diesel emissions
		91/542/EEC	L295, 25.10.91, p.1	
42	89/297/EEC		L124, 5.5.89, p.1	Lateral protection
43	91/226/EEC		L103, 24.4.91, p.5	Spray-suppression systems
44	92/21/EEC	95/48/EC*	L129, 14.5.92, p.1 L233, 30.9.95, p.73	Masses and dimensions (cars)
45	92/22/EEC		L129, 14.5.92, p.11	Safety glass
46	92/23/EEC		L129, 14.5.92, p.95	Tyres
47	92/24/EEC		L129, 14.5.92, p.154	Speed limiters
48	97/27/EC		L233, 25.8.97, p.1	Masses and dimensions (other than vehicles referred to in item 44)
49	92/114/EEC		L409, 31.12.92, p.17	External projections forward of the cabs
50	94/20/EC		L195, 29.7.94, p.1	Couplings
51	95/28/EC		L281, 23.11.95, p.1	Flammability
53	96/79/EC		L18, 21.1.97, p.7	Frontal impact
54	96/27/EC		L169, 8.7.96, p.1	Side impact

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## SCHEDULE 2

Regulations 12 and 13

## PART I

MEANING OF END OF SERIES VEHICLE  
FOR THE PURPOSES OF REGULATION 12

1.—(1) For the purposes of regulation 12, a vehicle is an end of series vehicle for an EC type approval to which regulation 12 applies, if—

- (a) an EC certificate of conformity has been issued in respect of the vehicle under the EC type approval (whether before or after the giving of the direction by the Secretary of State),
- (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 ceased to have effect, and
- (e) it is a vehicle forming part of the allocation of vehicles to a relevant person under sub-paragraphs (2) and (3) of this Part of this Schedule.

(2) The Secretary of State shall make an allocation in accordance with sub-paragraph (3) to each relevant person who makes a request to him under regulation 12 not later than one month before the relevant EC type approval ceases to have effect.

(3) The Secretary of State shall allocate to each relevant person in respect of each vehicle model manufactured 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) the number of vehicles of that model for which an EC certificate of conformity was issued on or after the date of manufacture and which remained valid for at least 3 months after its date of issue but subsequently lost its validity because of the provisions of the Framework Directive or a separate Directive,

whichever is the less.

2.—(1) In this Part of this Schedule—

- (a) “EEA Agreement” means the Agreement on the European Economic Area signed at Opporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(21)</sup>,
- (b) “EEA State” means a State which is a contracting party to the EEA Agreement,
- (c) “relevant person” means a person who has made a request to the Secretary of State under regulation 12, and
- (d) “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 12.

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

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<sup>(21)</sup> Cm 2073 and 2183.

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## PART II

### MEANING OF END OF SERIES VEHICLE FOR THE PURPOSES OF REGULATION 13

**3.—**(1) For the purposes of regulation 13, a vehicle is an end of series vehicle, for a national type approval to which regulation 13 applies, if—

- (a) a certificate of conformity has been issued in respect of the vehicle under the relevant national type approval (whether before or after the giving of the direction),
- (b) it was manufactured with the intention that it should be supplied by retail for use in the United Kingdom,
- (c) it was not registered under the 1994 Act on the date on which the relevant national type approval ceases to have effect, and
- (d) it is a vehicle forming part of the allocation of vehicles to a relevant person under sub-paragraphs (2) and (3).

(2) The Secretary of State shall make an allocation in accordance with sub-paragraph (3) to each relevant person who makes a request to him under regulation 13 not later than one month before the relevant national type approval ceases to have effect.

(3) The Secretary of State shall allocate to each relevant person in respect of each vehicle model manufactured in conformity with the relevant national type approval—

- (a) the number of vehicles of that model in respect of which the request is made, or
- (b) the number of vehicles of that model for which a certificate of conformity was issued on or after the date of manufacture and which remained valid for at least 3 months after its date of issue but subsequently lost its validity because of the provisions of the Directive or one or more of the separate Directives,

whichever is the less.

**4.—**(1) In this Part of this Schedule—

- (a) a “relevant person” means a person who has made a request to the Secretary of State under regulation 13, and
- (b) “the relevant national type approval” means the national type approval in respect of which a request has been made to the Secretary of State under regulation 13.

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

## SCHEDULE 3

Regulation 2

### REVOCATIONS

<i>Regulations</i>	<i>Year and reference number</i>	<i>Extent of revocation</i>
The Motor Vehicles (EC Type Approval) Regulations 1992	<a href="#">S.I. 1992/3107</a>	Regulations 2 to 15, 17 and 18 and Schedules 1, 1A and 3
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 1993	<a href="#">S.I. 1993/1221</a>	The entire Regulations

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<i>Regulations</i>	<i>Year and reference number</i>	<i>Extent of revocation</i>
The Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 1993	<a href="#">S.I. 1993/2198</a>	The entire Regulations
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 1994	<a href="#">S.I. 1994/617</a>	The entire Regulations
The Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 1994	<a href="#">S.I. 1994/1570</a>	The entire Regulations
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 1995	<a href="#">S.I. 1995/2328</a>	The entire Regulations
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 1997	<a href="#">S.I. 1997/191</a>	The entire Regulations
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 1997	<a href="#">S.I. 1997/1501</a>	The entire Regulations

## EXPLANATORY NOTE

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

These Regulations consolidate with amendments the Motor Vehicles (EC Type Approval) Regulations 1992.

The Regulations implement Council Directives [70/156/EEC](#) and [87/403/EEC](#) and Commission Directive [98/14/EC](#) which provide that Member States must set up a system for granting EC type approval for light passenger vehicles. The Directives contain provisions which prohibit Member States registering or permitting the sale or entry into service of such vehicles, unless they are accompanied by a valid EC certificate of conformity. They contain similar provisions for parts of motor vehicles (not limited to parts of light passenger vehicles). Schedule 1 to the Regulations lists separate Directives which lay down standards for components of vehicles. It is expanded in order to implement a number of Directives adopted in 1996 and 1997 which introduce new standards.

The Directives concerned are as follows.

Directive [97/39/EC](#) amends Directive [75/443/EEC](#) for speedometers and reverse gears on motor vehicles.

Directive [97/28](#) further amends Directive [76/756/EEC](#) for lighting installation on motor vehicles.

Directive [97/29/EC](#) amends Directive [76/757/EEC](#) for reflex reflectors on motor vehicles.

Directive [97/30/EC](#) further amends Directive [76/758/EEC](#) for side, rear and stop lamps on motor vehicles.

Directive [97/31/EC](#) amends Directive [76/760/EEC](#) for number plate lamps on motor vehicles.

Directive [97/32/EC](#) amends [77/539/EEC](#) for reversing lamps on motor vehicles.

Directive [97/19/EC](#) amends Directive [70/221/EEC](#) for fuel tanks and rear protective devices for motor vehicles.

Directive [97/20/EC](#) amends Directive [72/306/EEC](#) for emissions of smoke from diesel vehicles.

Directive [97/21/EC](#) further amends Directive [80/1269/EEC](#) for the engine power of motor vehicles.

Directive [97/27/EC](#) sets out requirements for the masses and dimensions of vehicles other than those to which Directive [92/21/EC](#) applies.

Directive [96/79/EC](#) sets out requirements for the protection of occupants of motor vehicles in the event of a frontal impact.

Directive [98/12/EC](#) sets out requirements for brakes on motor vehicles.

Part I of the Regulations contains preliminary provisions.

Part II of the Regulations contains provisions relating to—

- (a) applications to the Secretary of State for EC type approval,
- (b) the grant of EC type approval by the Secretary of State,
- (c) the duties of holders of type approval granted by the Secretary of State including a duty to supply an EC certificate of conformity with each vehicle and to affix an approval mark to each part that conforms with the approved type, and
- (d) the withdrawal or suspension of EC type approval granted by the Secretary of State.

Subject to specified exceptions, Part III of the Regulations prevents the Secretary of State from issuing a first licence or registering a light passenger vehicle, unless it either has an EC certificate of conformity or has a Minister’s approval certificate issued under section 58(1) of the Road Traffic Act 1988.

Certain vehicles are excepted from the requirement to obtain EC type approval. These include—

- (a) certain prototype vehicles,
- (b) certain vehicles previously in the public service of the Crown, and
- (c) certain special purpose vehicles (ambulances, hearses and motor caravans).

Article 8(2)(b) of Directive [70/156/EEC](#) permits—

- (a) 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 EC type approval is no longer valid, and
- (b) a limited number of vehicles for a limited period to be sold and registered in the UK if they conform to a type of vehicle whose national type approval is no longer valid.

Regulations 12 and 13 give effect to these “end of series” derogations.

Part IV of the Regulations contains miscellaneous provisions. These include provisions creating offences relating to EC type approval such as forging an EC type approval certificate or an EC certificate of conformity and making false statements.

Copies of the EEC and EC Directives referred to in these Regulations can be obtained from the Stationery Office.