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STATUTORY INSTRUMENTS

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**1998 No. 2051**

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

**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>(1)</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

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(1) Section 21 was amended by the Finance Act 1995 (c. 4), Schedule 4, paragraph 33.

- (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(2) 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.
- (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 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(3)), or

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(2) 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.

(3) 1948 c. 5; the definition of civil defence is in section 9.

(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—

(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.

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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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