

SCHEDULE 2

AMENDMENTS OF ACTS AND ORDERS

Amendment of the 1988 Act

1. The 1988 Act shall be amended as follows.

2.—(1) In the side note to section 64A (failure to hold EC certificate of conformity for unregistered light passenger vehicle), after “light passenger vehicle” insert “or motor cycle”.

(2) In subsection (1) of that section, after “light passenger vehicle” insert “or a vehicle to which the motorcycle type approval Directive applies”.

(3) In subsection (2) of that section for “the use of a vehicle” substitute “the use of a light passenger vehicle”.

(4) After subsection (2) of that section insert—

“(2A) A person shall not be convicted of an offence under this section in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.”

(5) At the end of that section add—

“(6) In the application of this section to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.”

3.—(1) In the side note to section 65A (light passenger vehicle not to be sold without EC certificate of conformity), after “light passenger vehicles” insert “and motor cycles”.

(2) In subsection (1) of that section, after “light passenger vehicle” insert “or a vehicle to which the motorcycle type approval Directive applies”.

(3) In subsection (3) of that section for “the supply of a vehicle” substitute “the supply of a light passenger vehicle”.

(4) After subsection (3) of that section insert—

“(3A) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.”

(5) At the end of that section add—

“(8) In the application of this section to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.”

4.—(1) Section 85 (interpretation of Part II) shall be amended as follows.

(2) In the definition of “EC certificate of conformity”—

(a) after “means” insert—

“(a) in the case of a light passenger vehicle,”; and

(b) at the end add—

“(b) in the case of a vehicle to which the motorcycle type approval Directive applies, any certificate of conformity issued by a manufacturer under

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regulation 8(1) of the Motor Cycles Etc. (EC Type Approval) Regulations 1999 or under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval Directive;”.

(3) After that definition insert–

““EEA Agreement” means 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(1);

“EEA State” means a state which is a contracting Party to the EEA Agreement;”.

Amendment of the Road Traffic Offenders Act 1988

5.—(1) Part I of Schedule 2 to the Road Traffic Offenders Act 1988(2) (prosecution and punishment of offences) shall be amended as follows.

(2) In the entry relating to RTA section 64A, in the second column, after “light passenger vehicle” insert “or motor cycle”.

(3) In the entry relating to RTA section 65A, after “light passenger vehicles” insert “and motor cycles”.

Amendment of the 1981 Order

6.—(1) Article 31A of the 1981 Order shall be amended as follows.

(2) In paragraph (7), in the definition of “EC certificate of conformity”–

(a) after “means” insert–

“(a) in the case of a light passenger vehicle;” and

(b) at the end add–

“(b) in the case of a vehicle to which the motorcycle type approval Directive applies, any certificate of conformity issued by a manufacturer under regulation 8(1) of the Motor Cycles Etc. (EC Type Approval) Regulations 1999 or under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval Directive;”.

(3) After that definition insert–

““EEA Agreement” means 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);

“EEA State” means a state which is a contracting Party to the EEA Agreement;”.

7.—(1) In the shoulder note of Article 31F of the 1981 Order (failure to hold EC certificate of conformity for unregistered light passenger vehicle) after “light passenger vehicle” insert “or motor cycle”.

(2) In paragraph (1) of that Article, after “light passenger vehicle” insert “or a vehicle to which the motorcycle type approval Directive applies”.

(3) In paragraph (2) of that Article for “the use of a vehicle” substitute “the use of a light passenger vehicle”.

(4) After paragraph (2) of that Article insert–

(1) Cmnd 2073 and 2183.

(2) 1988 c. 53.

(3) Cmnd 2073 and 2183.

“(2A) A person shall not be convicted of an offence under this Article in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.”

(5) At the end of that Article add–

“(6) In the application of this Article to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.”

8.—(1) In the shoulder note of Article 31G of the 1981 Order (light passenger vehicles not to be sold without EC certificate of conformity) after “light passenger vehicles” insert “or vehicle to which the motorcycle type approval Directive applies”.

(2) In paragraph (1) of that Article, after “light passenger vehicle” insert “or a vehicle to which the motorcycle type approval Directive applies”.

(3) In paragraph (3) of that Article for “the supply of a vehicle” substitute “the supply of a light passenger vehicle”.

(4) After paragraph (3) of that Article insert–

“(3A) A person shall not be convicted of an offence under this Article in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.”

(5) At the end of that Article add–

“(8) In the application of this Article to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.”

Amendment of the Road Traffic Offenders (Northern Ireland) Order 1996

9.—(1) Part I of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996(4) (prosecution and punishment of offences) shall be amended as follows.

(2) In the entry relating to Article 31F of the Order of 1981, in the second column, after “light passenger vehicle” insert “or motor cycle”.

(3) In the entry relating to Article 31G of the Order of 1981, in the second column, after “light passenger vehicles” insert “and motor cycles”.

(4) S.I.1996/1320 (N.I. 10).