
STATUTORY INSTRUMENTS

2009 No. 717

The Road Vehicles (Approval) Regulations 2009

PART 6

MISCELLANEOUS

Enforcement

Forgery, false statements, etc

- 33.**—(1) A person commits an offence if, with intent to deceive, that person—
- (a) forges, alters or uses a document to which paragraph (2) applies, or
 - (b) lends to, or allows to be used by, any other person a document to which paragraph (2) applies, or
 - (c) makes, or has possession of, any document so closely resembling a document to which paragraph (2) applies as to be calculated to deceive.
- (2) This paragraph applies to—
- (a) an EC type approval certificate,
 - (b) an EC certificate of conformity,
 - (c) a national small series type approval,
 - (d) a national small series certificate of conformity, or
 - (e) an individual approval certificate.
- (3) A person guilty of an offence under paragraph (1) is 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.
- (4) A person commits an offence if, in supplying information or producing a document for the purpose of these Regulations, that person—
- (a) makes a statement which that person 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 that person knows to be false in a material particular or recklessly produces, provides or sends or otherwise makes use of a document which is false in a material particular.
- (5) A person who contravenes regulation 16, 22(1) or 23(1) commits an offence.
- (6) A person guilty of an offence under paragraph (4) or (5) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

Powers of entry

34.—(1) A person authorised by the approval authority (an “authorised person”) may, on production of a document showing that person has authority to do so, enter at all reasonable hours on any land or premises (including production facilities and domestic premises) which are being used for any purpose connected with these Regulations for the purpose of ensuring that these Regulations are being complied with.

(2) Without prejudice to the generality of paragraph (1), an authorised person may—

- (a) inspect any production facility, vehicle, system, component or separate technical unit found on the land or premises,
- (b) carry out on the land or premises any check or test prescribed in a regulatory act,
- (c) remove from the land or premises any vehicle, system, component or separate technical unit which the authorised person may reasonably require in order to carry out such a check or test,
- (d) have access to, inspect, remove, retain and copy any record or other document (in whatever form it is held) which is required to be kept under these Regulations or which the authorised person may reasonably require to inspect or copy,
- (e) have access to, inspect and check the operation of any computer and associated apparatus or material which is or has been used in connection with the keeping of records or the exercise of any other function connected with these Regulations (and for that purpose may require any person having charge of or concerned with the operation of that apparatus to assist with the inspection in any way the authorised person may reasonably request);
- (f) make a copy of any data stored on a computer and retain and remove that copy data.

(3) An authorised person must, so far as it is reasonably practicable to do so, return any vehicle, document or other thing removed from the land or premises to the person from whose possession it was taken.