

SCHEDULE 3

Regulations 5(7), 6(5) and 7(5)

Transitional Provisions

PART 1

Application of Regulations to Vehicles in Different Categories

1. In this Part—

“existing type”, in relation to a vehicle, means a type of vehicle—

- (a) in respect of which a national type approval certificate or a single vehicle approval certificate is granted before the mandatory new types date, or
- (b) which is or has been in production before the mandatory new types date and for which no national type approval requirements have been prescribed at that date;

“mandatory existing types date”, in relation to a class of vehicle described in column (1) of Table 3, means the date specified in column (3) of that table in relation to that class;

“mandatory new types date”, in relation to a class of vehicle described in column (1) of Table 3, means the date specified in column (2) of that table in relation to that class;

“national type approval certificate” means a certificate issued under—

- (a) section 55(2) of the 1988 Act, or
- (b) article 31A(2) of the 1981 Order⁽¹⁾;

“national type approval requirements” means requirements prescribed under—

- (a) section 54(1) of the 1988 Act, or
- (b) article 31A(1) of the 1981 Order;

“new type of vehicle” means a type of vehicle which is not an existing type;

“single vehicle approval certificate” means—

- (a) a Minister’s approval certificate issued in accordance with section 58(1) or (4) of the 1988 Act, or
- (b) a Department’s approval certificate issued in accordance with article 31A(4) or (5) of the 1981 Order;

“type”, in relation to a vehicle, means—

- (a) a class of vehicles in a vehicle category the members of which do not differ in at least the essential respects specified in Section B of Annex II to the Framework Directive, including variants or versions of that class as defined in Section B of Annex II, and
- (b) a particular vehicle which is not a member of any class of that description.

2.—(1) These Regulations have effect (or, where so provided, the specified part of these Regulations has effect) with respect to—

- (a) vehicles in category M₁ other than special purpose vehicles,
- (b) vehicles of a kind specified in regulation 5(3), and
- (c) vehicles of a kind specified in regulation 5(5),

beginning on the date they come into force.

(1) Article 31A was inserted by [S.I. 1985/755 \(N.I.6\)](#) and amended by [S.I. 1995/2994 \(N.I.18\)](#), [S.R.\(NI\) 1993/246](#) and [S.I. 2003/1099](#).

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- (2) These Regulations have effect with respect to—
- (a) special purpose vehicles in category M₁, and
 - (b) vehicles which are neither vehicles in category M₁ nor vehicles of a kind specified in regulation 5(3) or (5),

in accordance with paragraphs 3 and 4.

3.—(1) These Regulations have effect with respect to a new type of vehicle of a class described in column (1) of Table 3 beginning on the mandatory new types date.

(2) These Regulations have effect with respect to an existing type of vehicle of a class described in column (1) of Table 3 beginning on the mandatory existing types date.

(3) Sub-paragraphs (1) and (2) are subject to paragraph 4.

4.—(1) If a person voluntarily makes an application under regulation 12, 24 or 27—

- (a) before the mandatory new types date requesting type approval for a new type of vehicle or individual approval of a particular vehicle of a new type, or
- (b) before the mandatory existing types date requesting type approval for an existing type of vehicle or individual approval of a particular vehicle of an existing type,

the Regulations have effect with respect to that type of vehicle or, as the case may be, the particular vehicle from the time the application is made.

(2) Sub-paragraph (1) does not apply in the case of an application made under regulation 27 if it relates to a vehicle which at the time of the application is registered under the 1994 Act or, if not so registrable, has been put into service on the road.

(3) Where a trailer falls within one of the cases specified in paragraph 2 of Part 3 of this Schedule, regulations 7, 8 and 9 have effect before the mandatory new types date or the mandatory existing types date (as the case may be) so far as is necessary for the purpose of—

- (a) enabling a person to obtain the consent of the approval authority to the supply of that trailer for use on a road, and
- (b) making and keeping of a record of that trailer.

Table 3: Dates from which Regulations have effect

<i>(1) Vehicle category and description</i>	<i>(2) New types of vehicle</i>	<i>(3) Existing types of vehicle</i>
Special purpose vehicles in category M ₁	29th April 2011	29th April 2012
Incomplete and complete vehicles in categories M ₂ and M ₃	29th April 2009	29th October 2010
Completed vehicles in categories M ₂ and M ₃	29th April 2010	29th October 2011
Incomplete and complete vehicles in category N ₁	29th October 2010	29th October 2011
Completed vehicles in category N ₁	29th October 2011	29th April 2013
Incomplete and complete vehicles in categories N ₂ , N ₃ , O ₁ , O ₂ , O ₃ and O ₄	29th October 2010	29th October 2012

<i>(1) Vehicle category and description</i>	<i>(2) New types of vehicle</i>	<i>(3) Existing types of vehicle</i>
Completed vehicles in categories N ₂ , N ₃ ,	29th October 2012	29th October 2014
Completed vehicles in categories O ₁ , O ₂ , O ₃ and O ₄	29th October 2011	29th October 2013
Special purpose vehicles in categories M ₂ , M ₃ , N ₁ , N ₂ , N ₃ , O ₁ , O ₂ , O ₃ and O ₄	29th October 2012	29th October 2014

PART 2

The Alternative Conditions and Temporary Exemption for the Purposes of Regulation 6

1. For the purposes of regulation 6—
 - (a) the alternative conditions are the paragraph 2 conditions, the paragraph 3 conditions and the paragraph 4 conditions,
 - (b) either the paragraph 2 or the paragraph 3 conditions may be satisfied where the application under section 21 of the 1994 Act relates to a vehicle of any class in category M₁ other than a special purpose vehicle, and
 - (c) the paragraph 4 conditions may be satisfied where the application under section 21 of the 1994 Act relates to a special purpose vehicle in category M₁.
2. The paragraph 2 conditions are that—
 - (a) the vehicle is manufactured on or after 29th April 2009,
 - (b) a single vehicle approval certificate was issued before 29th April 2009 in respect of another vehicle of the same type,
 - (c) a single vehicle approval certificate issued under either—
 - (i) section 58(4) of the 1988 Act, or
 - (ii) article 31A(5) of the 1981 Order,
 has effect with respect to the vehicle, and
 - (d) not more than 74 vehicles of the same type manufactured on or after 29th April 2009 have been registered since the commencement of the relevant period.
- (2) In this paragraph, “relevant period” means—
 - (a) where the application is made in 2009, the period commencing on 29th April and ending on 31st December, and
 - (b) where the application is made after 2009, any period of one year commencing on 1st January.
3. The paragraph 3 conditions are that—
 - (a) the vehicle is manufactured on or before 28th April 2009,
 - (b) a single vehicle approval certificate has effect with respect to the vehicle, and
 - (c) the application is made not later than 31st December 2009.
4. The paragraph 4 conditions are that—

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- (a) the vehicle is manufactured on or before 28th April 2012,
- (b) a single vehicle approval certificate has effect with respect to the vehicle, and
- (c) the application is made not later than 31st December 2012.

- 5.—(1) For the purposes of regulation 6, the temporary exemption applies where—
- (a) the application under section 21 of the 1994 Act relates to an existing type of vehicle of a class in category M₂ or M₃,
 - (b) the manufacture of that vehicle is completed not later than the relevant date, and
 - (c) that application is made later than the mandatory existing types date.

- (2) In this paragraph “relevant date” means—
- (a) in the case of a vehicle manufactured in one stage, 29th July 2010, and
 - (b) in the case of a vehicle manufactured in more than one stage, 29th July 2011.

6. In this Part—
- “existing type of vehicle” means a vehicle of a type which is (or has been) in production before the mandatory new types date;
- “mandatory existing types date”, “mandatory new types date” and “single vehicle approval certificate” have the meanings given in Part 1 of this Schedule.

PART 3

Alternative Requirements for the Purposes of Regulations 7 to 10

- 1.—(1) For the purposes of regulations 7 to 10, the alternative conditions apply if—
- (a) the trailer is an existing type of vehicle, and
 - (b) either of the cases specified in paragraph 2 applies.
- (2) The alternative conditions are that—
- (a) where—
 - (i) (in the case of a large trailer) the application for consent, or
 - (ii) (in the case of a small trailer) the supply,
 is in consequence of the importation of the trailer from a place outside the United Kingdom, any value added tax or customs duty charged on or arising from its removal into the United Kingdom has been or will be paid or remitted, and
 - (b) there is otherwise no lawful reason (whether or not arising from a breach of these Regulations) for refusing to give consent.

2. The cases are as follows—

Case 1	<ul style="list-style-type: none"> (a) the trailer is manufactured in one stage, and (b) its manufacture is completed not later than 29th July 2012.
Case 2	<ul style="list-style-type: none"> (a) the trailer is manufactured in more than one stage, and (b) its manufacture is completed not later than 29th July 2013.

3. The alternative information for the purposes of regulation 10 is—

- (a) the name and address and (if any) the company registration number of the manufacturer,
- (b) the manufacturer's designation (make and model) of the trailer,
- (c) the month and year when manufacture of the vehicle was completed,
- (d) the vehicle identification (VIN) number,
- (e) the date of supply, and
- (f) the name and address of the purchaser.

4. In this Part—

“existing type of vehicle” means a trailer of a type which is (or has been) in production before the mandatory new types date, and

“mandatory new types date” has the meaning given in Part 1 of this Schedule.