

EXPLANATORY MEMORANDUM TO
THE ROAD VEHICLES (APPROVAL) (AMENDMENT) REGULATIONS 2011
2011 No. 1946

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument amends the Road Vehicles (Approval) Regulations 2009, in order to transpose an EU Directive.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 These Regulations amend the Road Vehicles (Approval) Regulations 2009 (S.I. 2009/717) (“the 2009 Regulations”) in order to transpose Directive 2010/19/EU into UK law.

4.2 Directive 2010/19/EU contains a number of minor clarifications and amendments, to remove ambiguity in Directive 91/226/EEC.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 This instrument implements Directive 2010/19/EU.

7.2 Pursuant to Directive 2007/46/EC (“the Framework Directive”) the 2009 Regulations provide a system for granting EU type-approval for motor vehicles and also their systems, separate technical units or components.

7.3 To obtain EU type-approval compliance must be shown with the minimum technical standards specified by various separate EU Directives. In the case of vehicles, this allows registration and sale of the vehicles in any EEA Member State, and in the case of systems or components, this allows sale or installation.

7.4 Directive 2010/19/EU amends both the Framework Directive and the separate Directive 91/226/EEC (on spray suppression and mudguards) by making amendments to the technical requirements which must be met for type approval to be granted in that

area. The 2009 Regulations have therefore been amended to ensure that the EU type-approval system in the UK is kept up to date.

7.5 The 2009 Regulations have not been consolidated, because the amendment is a very simple one and is only the first occasion on which these Regulations have been amended.

8. Consultation outcome

8.1 Although implementation of this Directive is mandatory, and there is no alternative option but to amend the 2009 Regulations, it has become usual to advise the United Kingdom's automotive industry of the necessary changes and ask their opinions. Representatives of the Industry participate actively in the development of European legislation, and close contact was maintained during the decision making process that led to the adoption of the Directive. Following this practice, notification letters were sent by the Department on 14th July 2011 to representatives of industry in order to advise of the imminent transposition and to invite any comment. To date no response has been received.

9. Guidance

9.1 The Department's Vehicle Certification Agency provides guidance on vehicle legislation through type approval scheme guides, legislation information notices, and its VISTA and Legstat type approval legislation databases.

10. Impact

10.1 There is no significant impact on business, charities or voluntary bodies as this Directive only makes minor changes to the existing Directive.

10.2 There is also no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 In principle, this legislation applies to small business. However small volume producers are not required to comply with the new Directive if they utilise a special approval scheme for vehicles manufactured in low volumes (UK small series national type-approval).

12. Monitoring & review

12.1 This legislation implements obligations placed on the United Kingdom by EU legislation to transpose the Directive into UK law from 9th April 2011.

12.2 A duty to review clause of 5 years from the entry into force date of this amendment has been added to the 2009 Regulations.

13. Contact

13.1 Mike Lowe at the Department for Transport Tel: 020 7944 2073 or email: mike.lowe@dft.gsi.gov.uk can answer any queries regarding the instrument.