
STATUTORY INSTRUMENTS

1997 No. 1502

ROAD TRAFFIC

The Motor Vehicles (Type Approval) (Great Britain) (Amendment) (No. 2) Regulations 1997

<i>Made</i>	- - - -	<i>11th June 1997</i>
<i>Laid before Parliament</i>		<i>23rd June 1997</i>
<i>Coming into force</i>	- -	<i>16th July 1997</i>

The Secretary of State for Transport—

- (a) in exercise of the powers conferred by sections 54(1), 61, 63 and 66 of the Road Traffic Act 1988⁽¹⁾ (“the 1988 Act”), and
- (b) being a Minister designated⁽²⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽³⁾ in relation to the regulation of the type, description, construction or equipment of vehicles and of components of vehicles, and in particular any vehicle type approval scheme, in exercise of the powers conferred by that section and of all other powers enabling him in that behalf,

and after consultation with representative organisations in accordance with section 195(2) of the 1988 Act, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Motor Vehicles (Type Approval) (Great Britain) (Amendment) (No. 2) Regulations 1997 and shall come into force on 16th July 1997.

Preliminary

2. The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984⁽⁴⁾ shall be further amended in accordance with the following provisions of these Regulations.

(1) 1988 c. 52; sections 57, 63, 66, 85, 86 and 183 were amended, and sections 64A and 65A were inserted, by Schedule 2 to S.I. 1992/3107.
(2) S.I. 1972/1811.
(3) 1972 c. 68.
(4) S.I. 1984/981; relevant amending instruments are S.I. 1992/2908 and 3173.

Amendments to regulation 9 (form of certificate)

3.—(1) Regulation 9 shall be amended as follows:

(2) In paragraph (2), for “and (5)” there shall be substituted “, (5) and (6)”.

(3) For paragraph (5), there shall be substituted the following paragraphs—

“(5) Subject to paragraph (6), a Minister’s approval certificate for any vehicle shall be in a form prescribed by paragraph (4), if—

- (a) the application was made on the basis that the vehicle is a low volume type approval vehicle; or
- (b) the applicant has otherwise requested the certificate to be in a form prescribed by that paragraph,

and the Secretary of State is satisfied that the vehicle is a low volume type approval vehicle.

(6) Upon the issue of a Minister’s approval certificate for any vehicle, where the Secretary of State is satisfied that the requirements of paragraph (7) are fulfilled and the applicant so requests, the certificate shall be endorsed with a statement that he is so satisfied.

(7) The requirements of this paragraph are that—

- (a) an EC certificate of conformity has been issued in respect of the vehicle;
- (b) since the EC certificate of conformity was issued the vehicle has been altered as described in the information document which accompanied the application under these Regulations;
- (c) notwithstanding the alterations the vehicle is still of the type in respect of which the EC certificate of conformity was issued, and—
 - (i) if the EC certificate of conformity does not describe the vehicle as a variant, the vehicle has not as a consequence of the alterations become a variant of that type,
 - (ii) if the EC certificate of conformity describes the vehicle as a variant of that type, the vehicle has not as a consequence of the alterations become a different variant of that type;
- (d) the EC certificate would still have had effect had the alterations not been made (whether or not that certificate in fact still has effect).

(8) For the purposes of paragraph (7)—

- (a) “EC certificate of conformity” has the same meaning as in Part II of the 1988 Act;
- (b) “type” and “variant” have the meanings given in Annex IIB of Council Directive [70/156/EEC](#)(5), as amended by Council Directive [87/403/EEC](#)(6) and Council Directive [92/53/EEC](#)(7).”

(5) OJ No. L42, 23. 70, p.1.

(6) OJ No. L220, 8.8.87, p.44.

(7) OJ No. L225, 10.8.92, p.1.

Signed by authority of the Secretary of State

11th June 1997

Helene Hayman
Parliamentary Under-Secretary of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984 by inserting additional provisions in regulation 9.

Regulation 9(5) is amended so that a Minister's approval certificate is to be in a form prescribed by regulation 9(4) not only, as at present, where the application was made on the basis that the vehicle is a low volume type approval vehicle, but also where the applicant has otherwise requested the certificate to be in that form. There is an additional requirement that the Secretary of State is satisfied that the vehicle is a low volume type approval vehicle.

New provisions are also inserted in regulation 9 by the addition of paragraphs (6), (7) and (8). The effect is that, where the Secretary of State issues a Minister's approval certificate on being satisfied that there have been minor alterations to the vehicle since an EC certificate was issued in respect of it and the applicant so requests, he is to endorse the certificate with a statement that he is so satisfied.