

STATUTORY INSTRUMENTS

2019 No. 648

**EXITING THE EUROPEAN UNION
ROAD TRAFFIC
ENVIRONMENTAL PROTECTION**

The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019

Made - - - - 26th March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 (“the 1972 Act”) ^{M1} and by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (“the 2018 Act”) ^{M2}.

The Secretary of State is designated for the purposes of section 2(2) of the 1972 Act 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 ^{M3}.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for references, in the amendments made by Part 3 of these Regulations, to Regulation (EU) No 167/2013 of the European Parliament and of the Council on the approval and market surveillance of agricultural and forestry vehicles ^{M4} to be construed as references to a version of that Regulation as it may be amended from time to time.

In accordance with paragraph 1(3) of Schedule 7 to the 2018 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Marginal Citations

M1 1972 c.68. Section 2(2) was amended by section 27(1) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and by section 3(3) of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c.7\)](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and [S.I. 2007/1388](#).

M2 2018 c. 16.

M3 See [S.I. 1972/1811](#).

M4 OJ No L 60, 2.3.2013, p.1.

PART 1

Introduction

Citation and commencement

1. These Regulations—
 - (a) may be cited as the Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019; and
 - (b) come into force as regards—
 - (i) this regulation and Part 3, ^{F1}on 29th March 2019;
 - (ii) the remainder of these Regulations, on exit day.

F1 Words in reg. 1(b)(i) substituted (28.3.2019) by [The Road Vehicles and Non-Road Mobile Machinery \(Type Approval\) \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/691\)](#), regs. 1, 2

Commencement Information

II Reg. 1 in force at 29.3.2019, see reg. 1(b)(i) (as amended by [S.I. 2019/691](#), regs. 1, 2)

PART 2

Amendment of primary legislation

Amendment of the Road Traffic Act 1988

- 2.—(1) The Road Traffic Act 1988 ^{M5} is amended as follows.
- (2) In section 55 (type approval certificates) ^{M6}—
 - (a) after subsection (1), insert—

“(1A) Where the Secretary of State is satisfied on application made to the Secretary of State by the manufacturer of a vehicle of a class to which relevant regulations apply—

 - (a) that the manufacturer holds in respect of that vehicle a valid relevant European approval, and
 - (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,

the Secretary of State may approve that vehicle as a type vehicle.

(1B) An application made by a manufacturer to the Secretary of State before subsection (1A) comes into force, which would have been an application under subsection (1A) if it had been made after subsection (1A) came into force, is to be treated as an application under subsection (1A).

(1C) For the purposes of subsection (1A)—

“relevant European approval” means—

 - (a) an EC type-approval certificate, as defined in Article 3(34) of the road vehicles type approval Directive,

- (aa) [^{F2}an EU type-approval certificate, as referred to in Article 28 of the road vehicles type approval Regulation,]
 - (b) an EU type-approval certificate, as defined in Article 3(32) of the tractor type approval Regulation, or
 - (c) an EU type-approval certificate, as defined in Article 3(5) of the motorcycle type approval Regulation,
- whether issued before [^{F3}IP completion day] or, in accordance with that legislation as it has effect in EU law, on or after [^{F3}IP completion day];
- “relevant regulations” means—
- (a) regulations made under section 54 of this Act, or
 - (b) regulations made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, or of components of vehicles, or in relation to any vehicle type-approval scheme.”;
- (b) in subsection (2), after “relevant type approval requirements”, insert “ or (as the case may be) the relevant European type approval requirements ”;
- (c) after subsection (2), insert—
- “(2A) If the type approval certificate is issued following approval under subsection (1A), the certificate is to remain in force for a period of two years beginning with the day of issue (unless cancelled or suspended under section 56).”;
- (d) for subsection (4), substitute—
- “(4) Subject to subsection (6) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that—
- (a) one or more, but not all, of the relevant type approval requirements, or
 - (b) one or more, but not all, of the relevant European type approval requirements, are complied with in the case of that vehicle.”;

(e) after subsection (8), insert—

“(9) In this section, “European type approval requirements” means requirements prescribed in—

 - (a) regulations made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, or of components of vehicles, or in relation to any vehicle type-approval scheme,

[^{F4}(aa) the road vehicles type approval Regulation,]

 - (b) the tractor type approval Regulation, or
 - (c) the motorcycle type approval Regulation.”.

(3) In section 57 (certificates of conformity) ^{M7}—

 - (a) after subsection (1), insert—

“(1ZA) If a manufacturer has a type approval certificate issued by the Secretary of State following approval under section 55(1A), a relevant European certificate of conformity issued by the manufacturer in respect of each vehicle that conforms to the type vehicle in question is to be treated as a certificate issued under subsection (1).

(1ZB) In subsection (1ZA) “relevant European certificate of conformity” means—

- (a) a certificate of conformity issued before [^{F5}IP completion day] by a manufacturer under any provision of the law of a member State other than the United Kingdom giving effect to Article 18 of the road vehicles type approval Directive,
 - [^{F6}(aa) a certificate of conformity issued before [^{F5}IP completion day] under Article 36 the road vehicles type approval Regulation,]
 - (b) a certificate of conformity issued before [^{F5}IP completion day] under Article 33 of the tractor type approval Regulation, or
 - (c) a certificate of conformity issued before [^{F5}IP completion day] under Article 38 of the motorcycle type approval Regulation, or
 - (d) a certificate of conformity issued on or after [^{F5}IP completion day] under that law, [^{F7}Article 36,] Article 33 or Article 38 as it has effect at that time.”;
- (b) in subsection (1A), after “85 of this Act”, insert “ and except in the expression “relevant European certificate of conformity” and in the definition of that expression in subsection (1ZB) ”.
- (4) In section 58 (Minister's approval certificates)—
- (a) in subsection (1)(a), after “relevant type approval requirements”, insert “ or (as the case may be) the relevant European type approval requirements ”;
 - (b) for subsection (3), substitute—
 - “(3) Where by virtue of section 57(4) of this Act a certificate of conformity issued in respect of a vehicle relates to—
 - (a) one or more, but not all, of the relevant type approval requirements, or
 - (b) one or more, but not all, of the relevant European type approval requirements,
 the Secretary of State may issue in respect of that vehicle a Minister's approval certificate relating to one or more of the other relevant type approval requirements or (as the case may be) one or more of the other relevant European type approval requirements.”;
 - (c) after subsection (7), insert—
 - “(8) In this section, “European type approval requirements” has the same meaning as in section 55.”.
- (5) In section 85 (interpretation of Part 2), in subsection (1), in the definition of “EC certificate of conformity”^{M8}—
- [^{F8}(a) in paragraph (a)—
 - (i) in sub-paragraph (iv), omit “other than the United Kingdom”;
 - (ii) in sub-paragraph (v), after “type approval Regulation”, insert “or under Article 36 or 37 of that Regulation as it has effect in EU law”;
 - (b) in paragraph (b), after “that Regulation”, insert “ or under Article 38 of that Regulation as it has effect in EU law ”;
 - (c) in paragraph (c), after “that Regulation”, insert “ or under Article 33 of that Regulation as it has effect in EU law ”;
 - [^{F9}(d) in paragraph (d)—
 - (i) in sub-paragraph (ii), omit “other than the United Kingdom”;
 - (ii) in sub-paragraph (iii), after “type approval Regulation”, insert “or under Article 36 or 37 of that Regulation as it has effect in EU law”;

- F2** Words in reg. 2(2)(a) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(2)(a)(i)** (with Sch. 4 paras. 16, 17)
- F3** Words in reg. 2(2) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(2)(a)**
- F4** Words in reg. 2(2)(e) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(2)(a)(ii)** (with Sch. 4 paras. 16, 17)
- F5** Words in reg. 2(3) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(2)(b)**
- F6** Words in reg. 2(3)(a) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(2)(b)(i)** (with Sch. 4 paras. 16, 17)
- F7** Words in reg. 2(3)(a) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(2)(b)(ii)** (with Sch. 4 paras. 16, 17)
- F8** Reg. 2(5)(a) substituted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(2)(c)(i)** (with Sch. 4 paras. 16, 17)
- F9** Reg. 2(5)(d) substituted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(2)(c)(ii)** (with Sch. 4 paras. 16, 17)

Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see reg. 1(b)(ii)

Marginal Citations

- M5** [1988 c. 52](#).
- M6** Section 55 was amended by section 17(1)(a) of the [Transport Act 1982](#) (c. 49).
- M7** Section 57 was amended by section 17(1)(a) of the [Transport Act 1982](#) and [S.I. 1992/3107](#).
- M8** The definition of EC certificate of conformity was inserted by [S.I. 1992/3107](#), substituted by [S.I. 2009/818](#) and amended by [S.I. 2018/235](#) and 236.

Amendment of the Vehicle Excise and Registration Act 1994

3.—(1) The Vehicle Excise and Registration Act 1994 ^{M9} is amended as follows.

(2) In section 7 (issue of vehicle licences)—

[^{F10}(a) after subsection (5A)^{F11}, insert—

“(5B) The Secretary of State may not issue a vehicle licence in respect of a vehicle—

- (a) completed before IP completion day,
- (b) which is to be, or is normally, kept at a place in Great Britain, and
- (c) in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State,

unless the vehicle satisfies one of the conditions in subsection (5C).

(5C) The conditions are—

- (a) the vehicle is qualifying Northern Ireland goods;
- (b) the vehicle was in the United Kingdom immediately before IP completion day;
- (c) a relevant UK certificate has effect with respect to the vehicle.

(5D) The Secretary of State may not issue a vehicle licence in respect of a vehicle which—

- (a) is completed on or after IP completion day, and
- (b) is to be kept, or is normally kept, at a place in Great Britain,

unless the vehicle satisfies one of the conditions in subsection (5E).

(5E) The conditions are—

- (a) the vehicle is qualifying Northern Ireland goods in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State;
- (b) a relevant UK certificate has effect with respect to the vehicle.

(5F) The Secretary of State may not issue a vehicle licence in respect of a vehicle—

- (a) completed before IP completion day, and
- (b) which is to be, or is normally, kept at a place in Northern Ireland,

unless the vehicle satisfies one of the conditions in subsection (5G).

(5G) The conditions are—

- (a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of the vehicle;
- (b) the vehicle was in the United Kingdom immediately before IP completion day and a relevant UK certificate issued before that day has effect with respect to it.

(5H) The Secretary of State may not issue a vehicle licence in respect of a vehicle—

- (a) which is completed on or after IP completion day, and
- (b) which is, or is to be, kept at a place in Northern Ireland,

unless the vehicle satisfies one of the conditions in subsection (5I).

(5I) The conditions are—

- (a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of the vehicle;
- (b) a relevant Northern Ireland certificate has effect in respect of the vehicle.”.]

(b) in subsection (8)^{M10}, at the appropriate place, insert—

““EC certificate of conformity” has the meaning given in section 85 of the Road Traffic Act 1988;”;

““EU State” means—

- (a) in relation to the period before [^{F12}IP completion day], a member State other than the United Kingdom, and
- (b) in relation to the period on or after [^{F12}IP completion day], a member State;”;

[^{F13}“qualifying Northern Ireland goods” has the meaning given by regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;”];

““relevant European approval” has the meaning given in section 55(1C) of the Road Traffic Act 1988;”

[^{F14}“relevant Northern Ireland certificate” means—

- (a) a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), as they apply in and in relation to Northern Ireland,

- (b) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,
- (c) a Department's approval certificate issued under Article 31A(4) or (5) of that Order, or
- (d) an EC certificate of conformity issued in reliance on a valid relevant European approval granted by or on the authority of the Secretary of State in relation to Northern Ireland;”]

““relevant UK certificate” means—

- (a) a certificate of conformity issued under section 57 of the Road Traffic Act 1988,
- (b) a Minister's approval certificate issued under section 58 of that Act,
- (c) a certificate issued pursuant to regulation 25(10) or 27(10) of the Road Vehicles (Approval) Regulations 2009 (S.I. 2009/717),
- [^{F15}(ca) a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818),
- (d) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,
- (e) a Department's approval certificate issued under Article 31A(4) or (5) of that Order, or
- (f) an EC certificate of conformity which was issued otherwise than in reliance on a valid relevant European approval granted by or on the authority of an EU State;”.

(3) After section 22A (vehicle identity checks) ^{M11}, insert—

“Registration of vehicles: certificates of conformity etc.

(1) Subsections (2) [^{F16}to (3C)] have effect notwithstanding any other enactment.

[^{F17}(2) A vehicle—

- (a) which was completed before IP completion day, and
- (b) in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State,

may not be registered under section 21 in Great Britain unless one of the conditions in subsection (3) applies to the vehicle.

(3) The conditions are—

- (a) the vehicle is qualifying Northern Ireland goods;
- (b) the vehicle was in the United Kingdom immediately before IP completion day;
- (c) a relevant UK certificate has effect with respect to the vehicle.

(3A) A vehicle which is completed on or after IP completion day may not be registered under section 21 in Great Britain unless—

- (a) it is qualifying Northern Ireland goods in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State, or
- (b) a relevant UK certificate has effect with respect to it.

(3B) A vehicle completed before IP completion day may not be registered under section 21 in Northern Ireland unless—

- (a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of it, or
 - (b) it was in the United Kingdom immediately before IP completion day and a relevant UK certificate issued before that day has effect with respect to it.
- (3C) A vehicle completed on or after IP completion day may not be registered under section 21 in Northern Ireland unless—
- (a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of it, or
 - (b) a relevant Northern Ireland certificate has effect with respect to it.]
- (4) In this section—
- “EC certificate of conformity” has the meaning given in section 85 of the Road Traffic Act 1988;
- “EU State” means—
- (a) in relation to the period before exit day, a member State other than the United Kingdom,
 - (b) in relation to the period on or after exit day, a member State;
- [^{F18}“qualifying Northern Ireland goods” has the meaning given by regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;]
- “relevant European approval” has the meaning given in section 55(1C) of that Act;
- [^{F19}“relevant Northern Ireland certificate” means—
- (a) a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), as they apply in and in relation to Northern Ireland,
 - (b) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,
 - (c) a Department’s approval certificate issued under Article 31A(4) or (5) of that Order, or
 - (d) an EC certificate of conformity issued in reliance on a valid relevant European approval granted by or on the authority of the Secretary of State in relation to Northern Ireland;]
- “relevant UK certificate” means—
- (a) a certificate of conformity issued under section 57 of the Road Traffic Act 1988,
 - (b) a Minister’s approval certificate issued under section 58 of that Act,
 - (c) a certificate issued pursuant to regulation 25(10) or 27(10) of the Road Vehicles (Approval) Regulations 2009 (S.I. 2009/717),
 - (ca) [^{F20}a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818),]
 - (d) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,
 - (e) a Department’s approval certificate issued under Article 31A(4) or (5) of that Order, or
 - (f) an EC certificate of conformity which was issued otherwise than in reliance on a valid relevant European approval granted by or on the authority of an EU State.”.]

- F10** Reg. 3(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(3)(a)(i)**
- F11** Subsection (5A) was inserted by section 15(1) of the [HGV Road User Levy Act 2013](#) (c. 7).
- F12** Words in reg. 3(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(3)(a)(ii)(aa)**
- F13** Words in reg. 3(2)(b) inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(3)(a)(ii)(bb)**
- F14** Words in reg. 3(2)(b) inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(3)(a)(ii)(cc)**
- F15** Words in reg. 3(2)(b) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(3)(a)** (with Sch. 4 paras. 16, 17)
- F16** Words in reg. 3(3) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(3)(b)(i)**
- F17** Words in reg. 3(3) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(3)(b)(ii)**
- F18** Words in reg. 3(3) inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(3)(b)(iii)**
- F19** Words in reg. 3(3) inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), regs. 1(2), **2(3)(b)(iv)**
- F20** Words in reg. 3(3) inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(3)(b)** (with Sch. 4 paras. 16, 17)

Commencement Information

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(b)(ii)

Marginal Citations

- M9** 1994 c. 22.
- M10** Subsection (8) was inserted by section 17(10) and (14) of the [Finance Act 1996](#) (c. 8) and amended by section 15(2) of the [HGV Road User Levy Act 2013](#).
- M11** Subsection 22A was inserted by section 33(2) of the [Vehicles \(Crime\) Act 2001](#) (c. 3) and amended by section 48(3) of the [Road Safety Act 2006](#) (c. 49).

PART 3

Amendment of Northern Ireland legislation: European Communities Act 1972

Amendment of the Road Traffic (Northern Ireland) Order 1981

- 4.—(1) The Road Traffic (Northern Ireland) Order 1981 ^{M12} is amended as follows.
- (2) In Article 31A (approval of design, construction, etc., of motor vehicles) ^{M13}, in paragraph (7)

- (a) for the definition of “EC certificate of conformity”, substitute—
- ““EC certificate of conformity” means—
- (a) in the case of a light passenger vehicle, a certificate of conformity issued by a manufacturer under—
 - (i) regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992,
 - (ii) regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998,
 - (iii) regulation 15(1) or 20(4) of the Road Vehicles (Approval) Regulations 2009, or
 - (iv) any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive or Article 18 of the road vehicles type approval Directive;
 - (b) in the case of a vehicle to which the motorcycle type approval Regulation applies, a certificate of conformity issued by a manufacturer under Article 38 of that Regulation;
 - (c) in the case of a vehicle to which the tractor type approval Regulation applies, a certificate of conformity issued by a manufacturer under Article 33 of that Regulation;
 - (d) in the case of any other vehicle, a certificate of conformity issued by a manufacturer under—
 - (i) regulation 15(1) of the Road Vehicles (Approval) Regulations 2009, or
 - (ii) any provision of the law of a member State other than the United Kingdom giving effect to Article 18 of the road vehicles type approval Directive;”;
- (b) at the appropriate place, insert—
- ““the road vehicles type approval Directive” means Directive [2007/46/EC](#) of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers and of systems, components and separate technical units intended for such vehicles;”;
- ““the tractor type approval Regulation” means Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5th February 2013 on the approval and market surveillance of agricultural and forestry vehicles as it may be amended from time to time;”.

Commencement Information

I4 Reg. 4 in force at 29.3.2019, see reg. 1(b)(i) (as amended by [S.I. 2019/691](#), [regs. 1, 2](#))

Marginal Citations

M12 [S.I. 1981/154 \(N.I. 1\)](#).

M13 Article 31A was inserted by [S.I. 1985/755 \(N.I. 6\)](#) and amended by [S.R.1993/246](#), [S.I. 2006/1254 \(N.I. 9\)](#) and [S.I. 2018/235](#).

PART 4

Amendment of Northern Ireland legislation: European Union (Withdrawal) Act 2018

Amendment of the Road Traffic (Northern Ireland) Order 1981

^{F21}5.

F21 Pt. 4 omitted (N.I.) (31.12.2020 immediately before IP completion day) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(4)**

PART 5

Amendment of subordinate legislation

Amendment of the Road Vehicles (Approval) Regulations 2009

^{F22}6.

F22 Reg. 6 omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), reg. 1(b), **Sch. 6 para. 39(5)** (with Sch. 4 paras. 16, 17)

Amendment of the Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018

7.—(1) The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018^{M14} are amended as follows.

[^{F23}(2) After regulation 10 (withdrawal and suspension of approvals: effect), insert—

“Products approved in member States or in Northern Ireland

10A.—(1) Paragraphs (2) to (4) apply notwithstanding anything in these Regulations or the NRMM Regulation.

(2) A manufacturer or an importer may place a qualifying relevant product on the market in Great Britain.

(3) A distributor may make a qualifying relevant product available on the market in Great Britain.

(4) In this regulation—

“qualifying relevant product” means a relevant product in respect of which the manufacturer of the product holds a relevant EU approval or a relevant NI approval;

“relevant EU approval” means a valid EU-type approval issued—

(a) before IP completion day (other than in the United Kingdom) in accordance with the NRMM Regulation, or

(b) on or after IP completion day in a member State in accordance with the NRMM Regulation as it has effect in EU law,

and includes any such approval which is revised or extended;

“relevant NI approval” means a valid EU-type approval issued on or after IP completion day in Northern Ireland in accordance with the NRMM Regulation as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and includes any such approval which is revised or extended.”.]

F23 Reg. 7(2) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(5)**

Commencement Information

I5 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(b\)\(ii\)](#)

Marginal Citations

M14 [S.I. 2018/764](#).

[^{F24}Amendment of the Road Vehicles Approval Regulations 2020

7A.—(1) The Road Vehicle Approval Regulations 2020 are amended as follows.

(2) After regulation 1, insert—

“Application

1A. The following provisions of these Regulations do not apply in England and Wales or Scotland—

- (a) in regulation 16, paragraphs (4) and (5);
- (b) in regulation 17, paragraphs (4) to (6);
- (c) in regulation 18, paragraphs (8)(b) and (9).”.

(3) In regulation 8(1), for sub-paragraph (b) (but not the “and” at the end of that sub-paragraph) substitute—

- “(b) the remedies available to the party concerned—
 - (i) where the application is made in respect of Great Britain, under the laws in force in Great Britain;
 - (ii) where the application is made in respect of Northern Ireland, under the laws in force in Northern Ireland.”.

(4) In regulation 14(1)(a), for “the United Kingdom” substitute “Great Britain or, as the case may be, Northern Ireland”.

(5) In regulation 16, in paragraphs (4) and (5), omit “other than the United Kingdom”.

(6) In regulation 17—

- (a) in the heading, omit “other”;
- (b) in paragraph (1), omit “other than the United Kingdom”;
- (c) in paragraphs (4) and (6), for “the United Kingdom”, in each place it occurs, substitute “Northern Ireland”.

(7) In regulation 18—

- (a) in paragraph (4)(a), omit “other than the United Kingdom”;
- (b) in paragraphs (8)(b) and (9) for “the United Kingdom” substitute “Northern Ireland”;

- (c) in paragraph (16), in the definition of “non-UK approval”—
 - (i) in paragraphs (a) and (c), omit “other than the United Kingdom”;
 - (ii) in paragraph (b), for “or the United” substitute “or any part of the United”.
- (8) In regulation 20, in paragraph (3), for sub-paragraph (a) substitute—

“(a) the certificate must carry the heading “National Small Series Certificate of Conformity (Great Britain)” or, as the case may be, “National Small Series Certificate of Conformity (Northern Ireland)”.”
- (9) In regulation 21—
 - (a) in paragraph (5), in sub-paragraph (a), omit “other than the United Kingdom”;
 - (b) in paragraph (9), in the definition of “EU certificate of conformity”, in sub-paragraph (c), the words before paragraph (i), omit “other than the United Kingdom”.
- (10) In Schedule 1, in paragraph 1—
 - (a) in the definition of “approval”, in paragraph (a), for “other” substitute “a”;
 - (b) in the definition of “certificate of conformity” for “other” substitute “a”.]

F24 Reg. 7A inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(6)**

Commencement Information

I6 Reg. 7A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(b\)\(ii\)](#)

PART 6

Amendment of retained direct EU legislation

[^{F25}Amendment of [Commission Regulation \(EU\) No 1230/2012](#)

A8.—(1) [Commission Regulation \(EU\) No 1230/2012](#) of 12 December 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with regard to type-approval requirements for masses and dimensions of motor vehicles and their trailers is amended as follows.

- (2) In Annex 1 (technical requirements)—
 - (a) in Part A—
 - (i) omit point 1.1.3;
 - (ii) in points 1.2 and 1.3, for “length, width and height”, in each place those words occur, substitute “length and width”;
 - (b) in Part B, in point 1.1.3, for “4,00 metres” substitute “4.57 metres”;
 - (c) in Part C—
 - (i) omit point 1.1.3;
 - (ii) in points 1.2 and 1.3, for “length, width and height”, in each place those words occur, substitute “length and width”;
 - (d) in Part D—

- (i) omit point 1.1.3;
- (ii) in points 1.2 and 1.4, for “length, width and height”, in each place those words occur, substitute “length and width”;
- (iii) in point 1.3, omit “ , height”]

F25 Reg. A8 inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(7)**

Commencement Information

I7 Reg. A8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(b\)\(ii\)](#)

Amendment of Regulation (EU) No 167/2013

8.—(1) Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5th February 2013 on the approval and market surveillance of agricultural and forestry vehicles is amended as follows.

(2) In Article 3 (definitions), after the final paragraph, insert—

“References in this Regulation to Member States are to be read (insofar as is possible) as including [^{F26}Great Britain].”

[^{F27}(3) In Article 40—

- (a) in paragraph 1, for the words from “if they comply” to the end substitute “if paragraph 1A applies to the components or separate technical units”;
- (b) after paragraph 1, insert—

“**1A.** This paragraph applies to components or separate technical units if they—

- (a) comply with the requirements of the relevant acts listed in Annex 1 and are properly marked in accordance with Article 34;
- (b) comply with the requirements of the relevant acts listed in Annex 1 to Regulation (EU) No 167/2013 as it has effect in EU law and are properly marked in accordance with Article 34 of that Regulation; or
- (c) comply with the requirements of the relevant acts listed in Annex 1 to Regulation (EU) No 167/2013 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and are properly marked in accordance with Article 34 of that Regulation.”.]

F26 Words in reg. 8(2) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(8)(a)**

F27 Reg. 8(3) inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(8)(b)**

Commencement Information

I8 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(b\)\(ii\)](#)

Amendment of Regulation (EU) No 168/2013

9.—(1) Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15th January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles is amended as follows.

(2) In Article 3 (definitions), after the final paragraph, insert—

“References in this Regulation to Member States are to be read (insofar as is possible) as including [^{F28}Great Britain].”.

[^{F29}(3) In Article 45—

- (a) in paragraph 1, for the words from “if they comply” to the end substitute “if paragraph 1A applies to the components or separate technical units”;
- (b) after paragraph 1, insert—

“1A. This paragraph applies to components or separate technical units if they—

- (a) comply with the requirements of the relevant acts listed in Annex 2 and are properly marked in accordance with Article 39;
- (b) comply with the requirements of the relevant acts listed in Annex 2 to Regulation (EU) No 168/2013 as it has effect in EU law and are properly marked in accordance with Article 39 of that Regulation; or
- (c) comply with the requirements of the relevant acts listed in Annex 2 to Regulation (EU) No 168/2013 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and are properly marked in accordance with Article 39 of that Regulation.”.]

F28 Words in reg. 9(2) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(9)(a)**

F29 Reg. 9(3) inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(9)(b)**

Commencement Information

I9 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(b\)\(ii\)](#)

Amendment of Regulation (EU) 2016/1628

10.—(1) Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14th September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery is amended as follows.

(2) In Article 3 (definitions), after point (75), insert—

“References in this Regulation to Member States are to be read (insofar as is possible) as including the United Kingdom.”.

Commencement Information

I10 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(b)(ii)**

[^{F30}Amendment of Regulation (EU) 2018/858

10ZA.—(1) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles is amended as follows.

(2) In Article 3 (definitions), after point (58), insert—

“References in this Regulation to Member States are to be read (insofar as is possible) as including [^{F31}Great Britain].”.

[
^{F32}(2A) In Article 50—

(a) in paragraph 1, for the words from “if they comply” to the end substitute “if paragraph 1A applies to the components or separate technical units”;

(b) after paragraph 1, insert—

“**1A.** This paragraph applies to components or separate technical units if they—

(a) comply with the requirements of the relevant regulatory acts listed in Annex 2 and are properly marked in accordance with Article 38;

(b) comply with the requirements of the relevant regulatory acts listed in Annex 2 to Regulation (EU) No 2018/858 as it has effect in EU law and are properly marked in accordance with Article 38 of that Regulation; or

(c) comply with requirements of the relevant regulatory acts listed in Annex 2 to Regulation (EU) No 2018/858 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and are properly marked in accordance with Article 38 of that Regulation.”.]

(3) During the period beginning with IP completion day and ending with the 31st December next following the end of the relevant period, the table in paragraph 2 of Annex V is to be read as though—

(a) the figures shown in the “Units” column of that table corresponding to “Category” M₁ and N₁ were “1000”; and

(b) each of the remaining figures shown in the “Units” column of that table were multiplied by a factor of two.

(4) In paragraph (3), the “relevant period” means the period of six months beginning with the day on which IP completion day falls.]

F30 Reg. 10ZA inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), **reg. 1(b)**, **Sch. 6 para. 39(6)** (with Sch. 4 paras. 16, 17)

F31 Words in **reg. 10ZA(2)** substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), **regs. 1(2)**, **2(10)(a)**

F32 **Reg. 10ZA(2A)** inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), **regs. 1(2)**, **2(10)(b)**

Commencement Information

- I11** Reg. 10ZA in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(b)(ii)

[^{F33}PART 6A

Revocation of retained direct EU legislation and transitional provision

- F33** Pt. 6A inserted (15.8.2019) by **The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) (No. 3) Regulations 2019 (S.I. 2019/1156)**, regs. 1, **2(b)**

Revocation of Regulation (EU) 2019/26 and transitional provision

10A.—(1) Regulation (EU) 2019/26 of the European Parliament and of the Council of 8 January 2019 complementing Union type-approval legislation with regard to the withdrawal of the United Kingdom from the Union—

- (a) is revoked; and
- (b) is to be treated as though it never formed part of retained EU law.

(2) Any valid UK type-approval (as defined in Article 3(2) of Regulation (EU) 2019/26 of the European Parliament and of the Council of 8 January 2019 complementing Union type-approval legislation with regard to the withdrawal of the United Kingdom from the Union ^{F34}, as it had effect in EU law before [^{F35}IP completion day]) existing immediately before [^{F35}IP completion day]—

- (a) to the extent it is rendered invalid by—
 - (i) the third sentence of Article 5(5) of that Regulation; or
 - (ii) the third sentence of Article 5(5) of that Regulation as it formed part of retained EU law (but for the operation of paragraph (1)) on [^{F35}IP completion day],is revived; and
- (b) continues to be valid on and after [^{F35}IP completion day].]

F34 OJ L 8I, 10.1.2019, p. 1.

F35 Words in reg. 10A(2) substituted (31.12.2020 immediately before IP completion day) by **The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1393)**, regs. 1(2), **2(11)**

Commencement Information

- I12** Reg. 10A in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(b)(ii)

PART 7

Expiry of Regulations

Expiry and saving

11.—(1) Parts 2 [^{F36}, 5 and 6] of these Regulations expire at the end of a period of two years beginning with [^{F37}IP completion day].

(2) The expiry provided for in paragraph (1) does not affect the validity of a type-approval certificate issued, following approval under—

(a) section 55(1A) of the Road Traffic Act 1988;

^{F38}(b)

^{F39}(c)

before the date on which expiry takes effect.

- F36** Words in reg. 11(1) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(12)(a)(i)**
- F37** Words in reg. 11(1) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(12)(a)(ii)**
- F38** Reg. 11(2)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(12)(b)(i)**
- F39** Reg. 11(2)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(12)(b)(ii)**

Commencement Information

- I13** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(b)(ii)

Signed by authority of the Secretary of State for Transport

Department for Transport

Jesse Norman
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (c) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make temporary amendments to legislation in the field of type approval for road vehicles and non-road mobile machinery and, in particular, provide for an interim arrangement allowing the Secretary of State or Northern Ireland Department to issue type approval certificates to holders of EU type approval granted other than in the United Kingdom and (in respect of road vehicles) for those type approval certificates to be the basis for issue of certificates of conformity used for the purposes of vehicle registration. Part 2 amends primary legislation, Part 4 amends Northern Ireland legislation, Part 5 amends subordinate legislation, and Part 6 amends retained direct EU legislation.

These Regulations also make amendments to Northern Ireland legislation to correct the transposition of Directive [2007/46/EC](#) of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers and of systems, components and separate technical units intended for such vehicles (OJ No L263, 9.10.2007, p 1). In particular, Part 3 substitutes a new definition of “EC certificate of conformity” into the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) to mirror that applying in Great Britain under section 85 of the Road Traffic Act 1988 (c.52).

Part 7 provides for the interim arrangements for type approval set out in these Regulations to cease to have effect two years after exit day and for the validity of any type-approval issued before that point to be unaffected.

The net costs imposed on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5m in any year and therefore a full impact assessment has not been prepared.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019.