
STATUTORY INSTRUMENTS

1992 No. 3107

Motor Vehicles (EC Type Approval) Regulations 1992

PART II

EC TYPE APPROVAL GRANTED BY THE SECRETARY OF STATE

Applications for grant or amendment of EC type approval

- 3.—(1) An application for EC type approval may be made to the Secretary of State.
- (2) Such an application shall be in writing and accompanied by the documents required by Article 3 of the Directive.
- (3) An application by the holder of EC type approval for the approval to be amended shall be made in writing to the Secretary of State.
- (4) Where the Secretary of State decides to refuse an application made under this regulation he shall give notice of the refusal to the applicant.
- (5) Where the Secretary of State decides to grant or amend an EC type approval he shall issue an EC type approval certificate or (as the case may be) an amended EC type approval certificate.
- (6) Such a certificate shall be in the form required by the Directive or the relevant separate Directive (as the case may be).
- (7) The Secretary of State may grant EC component or separate technical unit type approval subject to restrictions on the use of, or conditions as respects the fitting of a component or separate technical unit (as the case may be) of the type to which the approval relates and when he does so he shall, unless the applicant has consented to the restrictions or conditions, give notice of his decision to the applicant.
- (8) The Secretary of State may refuse to grant EC vehicle type approval if he is not satisfied that the applicant has made adequate arrangements for complying with regulation 4(2), 5 or 6.
- (9) The Secretary of State may refuse to grant system, component or separate technical unit EC type approval if he is not satisfied that the applicant has made adequate arrangements for complying with regulation 5 or 7.
- (10) Without prejudice to paragraphs (8) and (9), the Secretary of State shall make any decision under this regulation in accordance with the Directive and any relevant separate Directives and in particular the requirement of the Directive that a member State granting EC type approval must ensure that adequate arrangements have been made to ensure that production vehicles, systems, components and separate technical units (as the case may be) conform to the EC approved type.

EC certificates of conformity and approval marks

- 4.—(1) The holder of an EC vehicle type approval granted by the Secretary of State shall comply with the requirements of Article 6(1) of the Directive (holders to issue certificates of conformity).
- (2) The holder of an EC vehicle type approval granted by the Secretary of State shall keep a record in respect of each EC certificate of conformity issued by him of—

- (a) the serial number of the certificate,
- (b) the vehicle identity number of the vehicle to which the certificate relates, and
- (c) the Community reference numbers of the Community Directives with which the vehicle conformed,

and shall retain all such records for 10 years (or such lesser period as the Secretary of State may from time to time agree).

(3) The holder of an EC type approval granted by the Secretary of State for a component or separate technical unit shall comply with the requirements of Article 6(3) of the Directive (holders to affix mark).

Tests and associated checks

5. Where the holder of an EC type approval granted by the Secretary of State has given an undertaking to the Secretary of State as to the carrying out at specified intervals of tests or associated checks to verify conformity of production, the holder must unless otherwise agreed by the Secretary of State—

- (a) comply with the undertaking, and
- (b) keep a record of the results obtained from such tests and associated checks and retain the records for 10 years (or such lesser period as the Secretary of State may from time to time agree).

Duty to co-operate with the Secretary of State

6. The holder of an EC type approval granted by the Secretary of State shall permit the Secretary of State to carry out his obligations in relation to the approval under Article 10(2) of the Directive or any similar provision under a separate Directive and shall co-operate with any person acting on behalf of the Secretary of State in connection with those obligations.

Information concerning restrictions on use of components and separate technical units

7.—(1) This regulation applies where an EC component or separate technical unit type approval has, pursuant to regulation 3(7), been granted by the Secretary of State subject to restrictions or conditions.

(2) The holder shall not, in the course of supplying a component or separate technical unit manufactured by him and bearing an approval mark relating to that approval, deliver the component or separate technical unit unless it is accompanied by a document setting out the restrictions or conditions.

Withdrawal or suspension of EC type approval

8.—(1) In this regulation a reference to a failure to conform to an EC type approval shall be construed in accordance with Article 11(1) of the Directive.

(2) If the Secretary of State, after an examination has been carried out on his behalf of two or more—

- (a) light passenger vehicles associated with a single EC vehicle type approval granted by him, or
- (b) components or separate technical units, being components or separate technical units associated with a single EC component or separate technical unit type approval granted by him,

is satisfied that there has been a failure to conform to the approved type on the part of each of those vehicles or, as the case may be, each of those vehicle components or separate technical units, he may by notice given to the holder withdraw the EC type approval.

(3) If, as a result of carrying out the obligations of the United Kingdom under Article 10(2) of the Directive (with the co-operation of other member States or otherwise) in relation to an EC type approval issued by him, the Secretary of State is satisfied that—

- (a) the holder's arrangement for ensuring that production vehicles, systems, components or separate technical units (as the case may be) conform to the approved type no longer continue to be adequate, or
- (b) without prejudice to sub-paragraph (a), the holder has failed to comply with the requirements imposed by or under regulation 4(2), 5, 6 or 7,

the Secretary of State may by notice given to the holder suspend the EC type approval.

(4) Before withdrawing or suspending an EC type approval under this regulation, the Secretary of State must give the holder notice stating that he is considering withdrawing the approval and must give particulars of the grounds on which he is considering doing so.

(5) Where the Secretary of State gives notice to a holder under paragraph (4)—

- (a) the holder may, within the period of 28 days beginning with the day on which notice is given, make representations with respect to the proposed withdrawal or suspension,
- (b) the Secretary of State must not decide to withdraw or suspend the approval until the expiration of that period, and
- (c) before deciding whether or not to withdraw or suspend the approval, the Secretary of State must take into account any such representations made by the holder during that period.

(6) If the holder of an EC type approval which has been suspended under this regulation purports to issue a certificate of conformity by virtue of that approval, the certificate shall be invalid, but a suspension shall not affect the validity of any certificate of conformity issued before the approval is suspended.

(7) A suspension under this regulation shall remain in force until it is revoked by the Secretary of State.

(8) The Secretary of State may, by notice under paragraph (4) or by subsequent notice given to the holder, exempt from paragraph (6) EC certificates of conformity or classes of EC certificates of conformity specified in the notice.

(9) If, following a request by the holder, the Secretary of State refuses to exercise his powers under paragraph (7) or (8) in relation to an EC type approval which has been suspended under this regulation, he shall give notice of his decision to the holder.

(10) For the purposes of this regulation—

- (a) a vehicle is associated with an EC vehicle type approval if an EC certificate of conformity has been issued in respect of it and the certificate relates to that type approval, and
- (b) a component or separate technical unit is associated with an EC component or separate technical unit type approval if it has been marked with an approval mark and the marking relates to that type approval.