
STATUTORY INSTRUMENTS

1995 No. 1513

The Motor Cycle (EC Type Approval) Regulations 1995

PART III

MISCELLANEOUS

Forgery, false statements etc

- 10.**—(1) A person who, with intent to deceive,
- (a) forges, alters or uses a document to which this paragraph applies, or
 - (b) lends to, or allows to be used by, any other person a document to which this paragraph applies, or
 - (c) makes or has in his possession any document so closely resembling a document to which this paragraph applies as to be calculated to deceive, shall be guilty of an offence.
- (2) A person guilty of an offence under paragraph (1) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.
- (3) Paragraph (1) applies to an EC type approval certificate or an EC certificate of conformity.
- (4) A person who, in supplying information or producing documents for the purposes of these Regulations—
- (a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
 - (b) produces, provides, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, provides, sends or otherwise makes use of a document which is false in a material particular,
- shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Duty to give reasons etc

- 11.**—(1) A relevant notice shall specify the reasons for the decision to which it relates, the right to request a review under these Regulations and the time limit for making such a request.
- (2) In this regulation and regulation 12, “relevant notice” means a notice under—
- (a) regulation 3(4) or (7), or
 - (b) regulation 9(1) or (2).

Review of decisions

12.—(1) Where the Secretary of State has given a relevant notice to a person, that person may by notice in writing request the Secretary of State to review the decision to which the relevant notice relates.

(2) Such a request must be made by the person within 28 days from the date that he receives the relevant notice.

(3) On any review under this regulation the Secretary of State may—

- (a) hold an inquiry in connection with it, and
- (b) appoint an assessor for the purpose of assisting him with the review or any such inquiry.

(4) Section 180 of the 1988 Act shall apply to an inquiry under this regulation as it applies to an inquiry under that Act.

(5) In its application to Northern Ireland by virtue of paragraph (4), section 180 of the 1988 Act shall have effect as if in paragraph (a) of subsection (2) after the word “Wales” there were inserted the words “or Northern Ireland”.

Service of notices

13.—(1) Any document required or authorised by virtue of these Regulations to be given to any person by the Secretary of State may be given—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address, or
- (b) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) on the secretary or clerk of that body, or
- (c) if the person is a partnership, by serving it in accordance with sub-paragraph (a) on a partner or a person having the control or management of the partnership business.

(2) For the purposes of this regulation and section 7 of the Interpretation Act 1978(1) (which relates to the service of documents by post) in its application to this regulation, the proper address of any person on whom a document is to be served shall be his last known address, except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body,
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership,

and for the purposes of this regulation the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(3) If a person to be served by virtue of these Regulations with any document by the Secretary of State has specified to the Secretary of State an address within the United Kingdom other than his proper address (as determined in pursuance of paragraph (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this regulation and for the purposes of the said section 7 in its application to this regulation.

Provision of testing stations

14. The Secretary of State may provide and maintain stations where examinations of vehicles to which these Regulations apply and of components of such vehicles may be carried out for the purposes of these Regulations and may provide and maintain the apparatus for carrying out such examinations.

Transitional

15. The Secretary of State shall not grant EC vehicle type approval until, in relation to each of the subject matters shown in the second column of Annex I to the Motor Cycle Directive against which appear the letters “SD”—

- (a) a Community instrument has been made; and
- (b) member States are, by virtue of a Community obligation, required to have given legal effect to that instrument.