

THE SCHEDULE

Regulation 11

“SCHEDULE 7XA

Regulations 55A(1) and 61(11)

END OF SERIES EXEMPTIONS

PART I

MODIFICATION OF REGULATIONS 55A AND
61 IN RELATION TO END OF SERIES VEHICLES

Modification of regulations 55A and 61

1.—(1) An item numbered 2 or higher in the Table in regulation 55A shall not apply to—

- (a) a type approval end of series vehicle;
- (b) a non-type approval end of series vehicle; or
- (c) a late entry into service vehicle,

if it is first used before the first anniversary of the date specified in column 3 of the item.

(2) An item numbered 8, 9 or 11 in Table II of regulation 61 shall not apply to a type approval end of series vehicle if it is first used before the first anniversary of the date specified in column 3 of the item.

(3) An item numbered 9 or 11 in Table II of regulation 61 shall not apply to a non-type approval end of series vehicle if it is first used before the first anniversary of the date specified in column 3 of the item.

(4) An item numbered 10 or higher (other than 11) in Table II of regulation 61 shall not apply to—

- (a) a type approval end of series vehicle;
- (b) a non-type approval end of series vehicle; or
- (c) a late entry into service vehicle,

if it is first used before the first anniversary of the date specified in column 3 of the item.

(5) Parts II, III and IV of this Schedule shall have effect for the purpose of interpreting the expressions “type approval end of series vehicle”, “non-type approval end of series vehicle” and “late entry into service vehicle” respectively for the purposes of this paragraph.

PART II

MEANING OF “TYPE APPROVAL END OF SERIES VEHICLE” IN PART I

Meaning of “type approval end of series vehicle” for the purposes of paragraph 1

2.—(1) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to item 8, 9 or 11 in Table II in regulation 61, if it meets the requirements of sub-paragraph (3) in relation to the item.

(2) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to an item numbered 2 or higher in the Table in regulation 55A or an item numbered 10 or higher (other than item 11) in Table II in regulation 61 if—

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(a) by virtue of Schedule 1C to the Type Approval for Goods Vehicles Regulations(1), or
 (b) by virtue of Schedule 1C to the Type Approval (Great Britain) Regulations(2),
 (both of which Schedules in certain circumstances defer the date on which certain requirements relating to exhaust emissions, noise and silencers cease to apply) the type approval requirements that applied to the vehicle on the date specified in column 3 of the item are the same as the type approval requirements that applied to the vehicle immediately before the date so specified in that column of that item.

- (3) A vehicle meets the requirements of this sub-paragraph, in relation to the item, if—
- (a) it was manufactured during the relevant period;
 - (b) one of the following conditions is satisfied—
 - (i) a certificate of conformity was issued in respect of the vehicle before the date specified in column 3 of the item by virtue of a TAC issued before the date specified in column 4 of the Table in paragraph 6 in relation to the item, or
 - (ii) a sub-MAC was issued in respect of the vehicle before the date specified in column 3 of the item by virtue of a MAC issued before the date specified in column 4 of that Table;
 - (c) it was in the territory of a relevant state at some time before the date specified in column 3 of the item; and
 - (d) the number of relevant vehicles which were—
 - (i) manufactured before that vehicle was manufactured, and
 - (ii) still in existence on the date specified in column 3 of that item, was less than the specified number of 50 (whichever is the greater).
- (4) For the purposes of sub-paragraph (3)—
- (a) “MAC” means a Minister’s approval certificate issued under section 58(1) of the Road Traffic Act 1988;
 - (b) “sub-MAC” means a Minister’s approval certificate issued under section 58(4) of the Road Traffic Act 1988; and
 - (c) “TAC” means a type approval certificate.

Meaning of “relevant vehicle” for the purposes of this Part

3.—(1) For the purposes of paragraph 2(3)(d), in relation to a particular vehicle to which Type Approval for Goods Vehicles Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) which—

- (a) is a vehicle to which those Regulations apply;
- (b) meets the requirements specified in paragraphs (a) to (c) of paragraph 2(3);
- (c) was manufactured by the manufacturer of the vehicle in question; and

(1) “The Type Approval for Goods Vehicles Regulations” is defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as meaning “The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982” (S.I.1982/1271). Relevant amendments were made to the 1982 Regulations by S.I. 1987/1508, 1989/1579, 1992/1342 and 3084, 1993/1220, 1994/2191, 1995/1323, 1996/2331.

(2) “The Type Approval (Great Britain) Regulations” is defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as meaning “The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984” (S.I. 1984/981). Relevant amendments were made to the 1982 Regulations by S.I. 1987/1509, 1989/1580, 1992/1341, 2161, and 2908, 1994/2190, 1995/1322, 1996/2330.

(d) had not been registered under the Vehicles (Excise) Act 1971⁽³⁾ or the Vehicle Excise and Registration Act 1994⁽⁴⁾ before the date specified in column 3 of the item.

(2) For the purposes of paragraph 2(3)(d) in relation to a particular vehicle to which the Type Approval (Great Britain) Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) which—

- (a) is a vehicle to which those Regulations apply;
- (b) meets the requirements specified in paragraphs (a) to (c) of paragraph 2(3);
- (c) was manufactured by the manufacturer of the vehicle in question; and
- (d) had not been registered under the Vehicle Excise and Registration Act 1994 before the date specified in column 3 of the item.

Meaning of “specified number” for the purposes of this Part

4.—(1) For the purposes of paragraph 2(3)(d), in relation to a particular vehicle to which the Type Approval (Great Britain) Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles to which those Regulations apply that were both—

- (a) manufactured by the manufacturer of the vehicle in question; and
- (b) registered under the Vehicles Excise Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the date specified in column 3 of the item.

(2) For the purposes of paragraph 2(3)(d), in relation to a particular vehicle to which the Type Approval for Goods Vehicles Regulations apply (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles to which those Regulations apply that were both—

- (a) manufactured by the manufacturer of the vehicle in question, and
- (b) registered under the Vehicles Excise Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the date specified in column 3 of the item.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part

5.—(1) For the purposes of paragraph 2(3)(c)—

- (a) at any material time before the 5th November 1993, “relevant state” means a member State;
- (b) in relation to any time on or after 5th November 1993 but before 1st May 1995, “relevant state” means an EEA State other than Liechtenstein; and
- (c) in relation to any time on or after 1st May 1995, “relevant state” means any EEA State.

(2) For the purposes of this paragraph—

“EEA agreement” means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the protocol signed at Brussels on the 17th March 1993; and
“EEA State” means a State which is a contracting party to the EEA agreement.

(3) 1971 c. 10.

(4) 1994 c. 22.

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Meaning of “relevant period” for the purposes of this Part

6. For the purposes of this Part, “the relevant period” in relation to an item numbered 8, 9 or 11 in Table II in regulation 61 is the period—

- (a) beginning on the date specified in column 2 of the Table below against that item; and
- (b) ending immediately before the date specified in column 3 of the Table below against that item.

THE TABLE

1	2	3	4	5
Item in Table II in regulation 61	Date on which the relevant period begins:	Date immediately before which the relevant period ends.	Date before which type approval etc. needs to be granted	Date in column 3 of Table II in regulation 61
8	1st August 1990	1st September 1992	1st July 1992	31st December 1992
9	1st April 1991	1st October 1993	1st October 1993	1st October 1993
11	1st August 1992	1st August 1994	1st October 1993	1st October 1994

PART III

MEANING OF “NON-TYPE APPROVAL END OF SERIES VEHICLE” IN PART I

Meaning of “non-type approval end of series vehicle” in paragraph 1

7.—(1) For the purposes of paragraph 1 a vehicle is a non-type approval end of series vehicle in relation to an item if it meets the requirements of sub-paragraph (2) in relation to the item.

- (2) A vehicle meets the requirements of this sub-paragraph in relation to an item if—
- (a) it is a vehicle to which neither the Type Approval (Great Britain) Regulations nor the Type Approval for Goods Vehicles Regulations apply;
 - (b) it was manufactured during the relevant period;
 - (c) no EC certificate of conformity has been issued in respect of the vehicle;
 - (d) it was in the territory of a relevant state at some time before the end of the relevant period; and
 - (e) the number of relevant vehicles which were both—
 - (i) manufactured before that vehicle was manufactured, and
 - (ii) still in existence on the date specified in column 3 in the item, is less than the specified number, or 50, whichever is the greater.

Meaning of “relevant vehicle” for the purposes of this Part

8. For the purposes of paragraph 7(2)(e), in relation to a particular vehicle (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) which—

- (a) meets the requirements specified in paragraphs (a) to (d) of paragraph 7(2);

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- (b) is a “vehicle” within the meaning of either Community Directive 70/220(5) (as amended by Community Directive 83/351(6) or Community Directive 88/77(7));
- (c) was manufactured by the manufacturer of the vehicle in question;
- (d) had not been registered under the Vehicles (Excise) Act 1971 or the Vehicle Excise and Registration Act 1994 during the relevant period.

Meaning of “specified number” for the purposes of this Part

9.—(1) For the purposes of paragraph 7(2)(e), in relation to a particular vehicle (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles that—

- (a) are vehicles to which neither the Type Approval (Great Britain) Regulations nor the Type Approval for Goods Vehicles Regulations apply; and
 - (b) meet the requirements of sub-paragraph (2).
- (2) A vehicle meets the requirements of this paragraph if it—
- (a) is a “vehicle” within the meaning of either Community Directive 83/351 or Community Directive 88/77;
 - (b) was manufactured by the manufacturer of the vehicle in question; and
 - (c) was registered under the Vehicles (Excise) Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the date specified in column 3 of that item.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part

10. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 7(2)(d) as it has effect for the purposes of paragraph 2(3)(c).

Meaning of “relevant period” for the purposes of this Part

11. For the purposes of paragraphs 7(2)(d), “the relevant period”—
- (a) in relation to an item numbered 9 or 11 in Table II in regulation 61 is the period—
 - (i) beginning on the date specified in column 2 of the Table below against the item, and
 - (ii) ending immediately before the date specified in column 3 of the Table below against the item; and
 - (b) in relation to any item in the Table in regulation 55A or any item numbered 10 or higher (other than 11) in the said Table II is the two year period ending immediately before the date specified in column 3 of that item.

THE TABLE

1	2	3	4
Item in Table II in regulation 61	Date on which relevant period begins	Date immediately before which the relevant period ends	Date in column 3 of Table II in regulation 61

(5) OJNo. L76, 6.4.72, p.1.
(6) OJ No. L197, 20.7.83, p.1.
(7) OJ No. L36, 9.2.88, p.33.

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1	2	3	4
9	1st April 1991	1st October 1993	1st October 1993
11	1st August 1992	1st August 1994	1st October 1994

PART IV

MEANING OF “LATE ENTRY INTO SERVICE VEHICLE” IN PART I

Meaning of “late entry into service vehicle” in paragraph 1

12. For the purposes of paragraph 1, a vehicle is a late entry into service vehicle, in relation to an item, if—

- (a) no EC certificate of conformity has been issued in respect of the vehicle;
- (b) it was in the territory of a relevant state at some time before the date specified in column 3 of the item;
- (c) it was manufactured at least two years before that date.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part

13. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 12(b) as it has effect for the purposes of paragraph 2(3)(c).”