
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which replace the Motor Vehicles (Approval) Regulations 1996 as amended, establish a revised system for approving the construction of single vehicles before they enter into service.

The Regulations apply to passenger vehicles and dual-purpose vehicles constructed to carry no more than 8 passengers excluding the driver (equivalent to EC category M1), certain 3 wheeled vehicles having a maximum unladen weight of more than 410 kg (ie not motorcycles), light goods vehicles (maximum gross weight not exceeding 3,500 kg, equivalent to EC category N1) and certain other goods vehicles with a design gross weight not exceeding 5,500 kg.

Part II concerns the approval requirements. *Regulation 4* defines the vehicles to which the Regulations apply by reference to the regulations concerning national (Great Britain) type approval. *Regulation 5* specifies two sets of approval requirements, namely basic requirements (*Schedule 3*) and, as from 1st August 2001, enhanced requirements (*Schedule 4*). However, the special classes of vehicle specified in *Schedule 2* need only comply with the basic requirements and certain basic and enhanced requirements do not apply to goods vehicles. *Regulation 5(3)* allows persons applying for the approval of any vehicle of category M1 which would not otherwise be subject to the enhanced requirements to opt for them to be subject to those requirements. *Regulation 5(8)* provides for the recognition of equivalent approvals granted in other EEA States.

Part III deals with administrative arrangements. *Regulation 6* relates to applications to the Secretary of State for a Minister's approval certificate and *regulation 7* provides for the assignment of vehicle identification numbers to vehicles not having a number which meets the requirements specified in *regulation 7(1)*.

Regulation 8 specifies criteria for determining design weights. The procedure for appeals under section 60 by persons aggrieved by a determination made on behalf of the Secretary of State following an application under *regulation 6* is governed by *regulation 9*. Provision is made in *regulation 10* for an application or appeal to be refused without an examination of the vehicle to which the application relates in the circumstances specified in *regulation 10(2)*.

The form of a Minister's approval certificate is prescribed by *regulation 11* and *Schedule 5*. *Regulation 12* provides for the provision of replacement certificates. *Regulation 13* requires notices under the Regulations generally to be given in writing and permits them to be given by post.

Regulation 14 specifies the dates appointed for the purposes of section 63(1) of the Road Traffic Act 1988, on or after which it is an offence to use a vehicle of a relevant class without the appropriate certificate in force under sections 54 to 58 of that Act. Regulations 14(2) to (4) and (8) disapply this requirement in respect of specified types of vehicle or types of use.

Regulation 14(5) specifies 1st February 2001 as the day appointed for all other vehicles to which these Regulations apply which are not of a class for which a day had previously been appointed.

Regulation 15 provides that a licence under the Vehicles Excise and Registration Act 1994 is not to be granted in respect of a vehicle to which *regulation 14* applies unless, in the first application made for it after the relevant appointed day, there is produced evidence that a certificate (or certificates) is in force for the vehicle under sections 54 to 58 of the 1988 Act from which it appears that the vehicle complies with the approval requirements.

These Regulations have been notified to the European Commission and the other Member States in accordance with Directive [98/34/EC](#) of the European Parliament and of the Council (OJ No. L204,

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21.7.98, p.37), as amended by Directive [98/48/EC](#) of the European Parliament and of the Council (OJ No. L217, 5.8.98, p.18).