

**EXPLANATORY MEMORANDUM TO
THE MOTOR CYCLE Etc. (EC TYPE APPROVAL) (AMENDMENT) (No. 2)
REGULATIONS 2004**

2004 No. 2539

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations amend the Motor Cycles Etc. (EC Type Approval) Regulations 1999 ('the 1999 Regulations') in order to implement Commission Directive 2004/86/EC of 5th July 2004. Directive 2004/84/EC amends Council Directive 93/93/EEC on the masses and dimensions of two or three-wheeled motor vehicles.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Secretary of State for Transport is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles and components for vehicles, and in particular, any vehicle type approval scheme. These regulations implement Directive 2004/84/EC and are made in exercise of the powers conferred by that section of that Act.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 Pursuant to Directive 2002/24/EC, which repealed and replaced Directive 92/61/EEC, the 1999 Regulations provide for a system for granting European Community 'Whole Vehicle' type approval for two or three-wheeled vehicles (mopeds, motor cycles and motor tricycles) and certain light four-wheeled vehicles (quadricycles).

7.2 To obtain EC type approval such vehicles must comply with the minimum technical standards specified by various separate EC Directives in respect of certain systems and components, and are then approved in complete form as whole vehicles.

This allows registration of the vehicles in any EU Member State. The aforementioned separate Directives are listed in Schedule 1 to the 1999 Regulations.

7.3 The requirements for the masses and dimensions of vehicles of this type, originally specified by Directive 93/93/EEC, have been amended by Directive 2004/86/EC in order to explain the way in which the mass of quadricycles with exchangeable superstructures is to be calculated. It serves only to clarify the treatment of such vehicles, and does not introduce any new requirements.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it merely clarifies an existing Regulatory regime and has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

Gus Gander at the Vehicle Certification Agency, Department for Transport Tel: 01179 524119 or e-mail: ggander@vca.gov.uk can answer any queries regarding the instrument.