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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in connection with Regulation (EU) No 167/2013 of the European Parliament and of the Council on the approval and market surveillance of agricultural and forestry vehicles (OJ No L 60, 2.3.2013, p.1) “the AFV Regulation”. In particular, they—

- appoint the Secretary of State as the approval authority and the market surveillance authority for the purposes of the AFV Regulation (regulations 3 and 4)
- specify when the Secretary of State may treat any application as having been withdrawn by the manufacturer (regulation 5) or when it must be refused (regulation 6)
- require the holder of a type-approval to retain certain records (regulation 7)
- derogate from the requirements of the AFV Regulation in respect of components or separate technical units which have been exempted from one or more provisions of the AFV Regulation, or which are not required to be type-approved by the AFV Regulation (regulation 8)
- provide for a review procedure in respect of decision notices given under article 48 of the AFV Regulation (regulation 9)
- specify when an approval may be withdrawn (regulation 10) and the effect of such a withdrawal or a suspension (regulation 11)
- set out how any notice or other document is to be served on the approval authority, market surveillance authority or enforcement authority (regulation 12)
- authorise the approval authority to provide and maintain testing stations and apparatus to use for examination of products for the purposes of the AFV Regulation (regulation 13)
- provide that breach of the duty to provide certain technical information which causes a person to sustain loss or damage is actionable at the suit of that person, and a defence available to the manufacturer where they have exercised all due diligence (regulation 14)
- provide for breach of the Regulations or the AFV Regulation to be an offence, and for offences to be punishable either by criminal or civil penalties (parts 1 and 2 of Schedule 1)
- make provision for enforcement of the Regulations, including in connection with false statements and obstruction of officers, powers of search, detention of goods by customs officers and recovery of expenses of enforcement (part 3 of Schedule 1)
- makes consequential amendments to various enactments, and revokes instruments replaced by the AFV Regulation (Schedule 2)

The net costs imposed on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5m in any year and therefore a full impact assessment has not been prepared, and a Review provision not included.

**Changes to legislation:**

There are currently no known outstanding effects for the The Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018.