

This Statutory Instrument has been made in consequence of defects in S.I. 2018/673 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2018 No. 984

**ROAD TRAFFIC
ENVIRONMENTAL PROTECTION**

The Road Vehicles (Approval) (Amendment) Regulations 2018

<i>Made</i>	- - - -	<i>5th September 2018</i>
<i>Laid before Parliament</i>		<i>13th September 2018</i>
<i>Coming into force</i>	- -	<i>5th October 2018</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾.

The Secretary of State for Transport is a Minister designated⁽²⁾ for the purposes of section 2(2) of that Act for the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme and in relation to measures relating to the environment.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Approval) (Amendment) Regulations 2018 and come into force on 5th October 2018.

Amendment of the Road Vehicles (Approval) Regulations 2009

2.—(1) The Road Vehicles (Approval) Regulations 2009⁽³⁾ are amended as follows.

(2) In regulation 33A (defeat systems)⁽⁴⁾, after paragraph (5), insert—

“(5A) A person who breaches a prohibition in paragraphs 8(1), (2) or 9(10) of Schedule 7 is guilty of an offence.”.

(1) 1972 c.68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.

(2) See S.I. 1972/1811 and 2008/301.

(3) S.I. 2009/717, as amended by S.I. 2011/1946, 2013/602 and 2018/235, 236 and 673.

(4) Regulation 33A was inserted by S.I. 2018/673.

- (3) In Schedule 7 (penalties, enforcement and other matters)(**5**), in paragraph 3(1)—
- (a) omit “who is a manufacturer”;
 - (b) for “the offence”, substitute “an offence”;
 - (c) after “33A(1)”, insert “or (5A)”.

Signed by authority of the Secretary of State

5th September 2018

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

(5) Schedule 7 was inserted by [S.I. 2018/673](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Approval) Regulations 2009 (“the 2009 Regulations”) in order to correct defects introduced to that instrument by amendments made by the Road Vehicles (Defeat Devices, Fuel Economy and Type-Approval) (Amendment) Regulations 2018 ([S.I. 2018/673](#)).

Regulation 33A of the 2009 Regulations is amended by inserting a new paragraph (5A) to provide that failure to comply with paragraphs 8(1), (2) and 9(10) of Schedule 7 to those Regulations is an offence. Paragraph 3(1) of Schedule 7 is then amended to ensure that civil penalties are available in respect of such an offence (in addition to the criminal penalties that would be available under the existing wording in paragraph 2 of that Schedule).

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 has not been included.