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STATUTORY INSTRUMENTS

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**2020 No. 818**

**The Road Vehicles (Approval) Regulations 2020**

**PART 1**

**Introduction**

**Citation and commencement**

1. These Regulations—
  - (a) may be cited as the Road Vehicles (Approval) Regulations 2020, and
  - (b) come into force on 1st September 2020.

**Interpretation**

- 2.—(1) In these Regulations—
  - “the 1994 Act” means the Vehicle Excise and Registration Act 1994<sup>(1)</sup>;
  - “enforcement authority” means the Secretary of State;
  - “the Type Approval Regulation” means Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles<sup>(2)</sup>, as amended from time to time;
  - “relevant products” means—
    - (a) vehicles,
    - (b) systems,
    - (c) components,
    - (d) separate technical units,
    - (e) parts, or
    - (f) equipment;
  - “UNECE Regulation” means, in respect of a Regulation of a particular number—
    - (a) a UNECE Regulation of that number listed in Annex IV of Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor<sup>(3)</sup>, as amended from time to time, or
    - (b) a UN Regulation of that number specified in Chapter XII of, and Annex II to, the Type Approval Regulation.

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<sup>(1)</sup> 1994 c.22.

<sup>(2)</sup> OJ No. L 151, 14.6.2018, p.1.

<sup>(3)</sup> OJ No. L 200, 31.7.2009, p.1.

(2) Unless otherwise provided, any word or expression used in these Regulations which is defined in Article 3 of the Type Approval Regulation has the meaning given in that Article.

## PART 2

### EU type-approval

#### **Appointment of approval authority**

3. The Secretary of State is the approval authority for the purposes of these Regulations and the Type Approval Regulation.

#### **Market surveillance authority**

4. The Secretary of State is the market surveillance authority for the purposes of—
- (a) these Regulations and the Type Approval Regulation, and
  - (b) where applied by the Type Approval Regulation or otherwise applicable to relevant products, Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93(4).

#### **Requirement to supply documentation or additional information: failure to comply**

5. Where a manufacturer who makes an application for type approval fails to comply with a requirement to supply documentation or additional information under the second subparagraph of paragraph 4 of Article 25 of the Type Approval Regulation, the approval authority may treat the application as having been withdrawn by the manufacturer.

#### **Refusal of EU type-approval application**

6.—(1) The approval authority must refuse an EU type-approval application if the requirements of—

- (a) Articles 26 and 29 to 31, or
- (b) Article 39,

of the Type Approval Regulation have not been complied with.

(2) The requirements of Article 30 of the Type Approval Regulation are not complied with if the tests required by that Article demonstrate that there is non-compliance with the technical requirements mentioned in paragraph 1 of that Article.

(3) The requirements of Article 31 of the Type Approval Regulation are not complied with if the approval authority is not satisfied that the applicant has made or will make adequate arrangements to ensure that—

- (a) production will conform to the approved type, or
- (b) the data in the certificates of conformity are correct.

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(4) OJ No. L 218, 13.8.2008, p.30.

### **Conformity of production: record keeping**

7. The holder of an EU type-approval, or national small series vehicle type approval in accordance with Article 42 of the Type Approval Regulation, must compile and retain for inspection by the approval authority for a period of five years commencing with the date of compilation, such records of tests and checks undertaken that are sufficient to demonstrate—

- (a) conformity of production to the approved type,
- (b) compliance of certificates of conformity to Article 36 or Article 37 of the Type Approval Regulation, and
- (c) that the data in certificates of conformity issued by the holder are correct.

### **Review of decisions**

8.—(1) All decisions taken pursuant to the Type Approval Regulation and all decisions refusing or withdrawing type approval, refusing registration, prohibiting or restricting the placing on the market, registration or entry into service of a vehicle or requiring withdrawal of a vehicle from the market must be given by notice in writing (“a relevant notice”) and state—

- (a) in detail the reasons on which they are based,
- (b) the remedies available to the party concerned under the laws in force in the United Kingdom, and
- (c) the time limits allowed for the exercise of such remedies.

(2) Where the approval authority has given a person a relevant notice, that person may apply to the approval authority for a reconsideration of the decision given in that notice.

(3) An application under paragraph (2) must—

- (a) be made within the period of 28 days beginning on the date when the relevant notice is received, and
- (b) state the reasons for making the application and be accompanied by such further evidence as the person believes supports those reasons.

(4) The approval authority may—

- (a) request evidence in support of the application,
- (b) after giving reasonable notice to the applicant, carry out a re-examination of one or more vehicles for the purpose of determining the issues raised by the application.

(5) The approval authority must as soon as reasonably practicable—

- (a) give written notification to the applicant stating whether the decision is confirmed, amended or reversed, and
- (b) if the decision is reversed or amended, take the appropriate action in respect of the revised decision.

(6) An applicant aggrieved by the approval authority’s notification under paragraph (5) may by notice request the approval authority to appoint an independent assessor to review the decision to which the relevant notice relates.

(7) A request under paragraph (6) must—

- (a) be made not later than 28 days after receipt of the approval authority’s notification under paragraph (5), and
- (b) state the reasons for the request.

(8) As soon as reasonably practicable after the date of receipt of the request under paragraph (6), the approval authority must—

- (a) appoint a person to act as assessor or, at the authority's discretion, not more than three persons to act as an assessment panel, and
  - (b) notify the applicant of the appointment.
- (9) The independent assessor or assessment panel may—
- (a) request further evidence in support of the request for review;
  - (b) after giving reasonable notice to the applicant, carry out a re-examination of one or more vehicles for the purpose of determining the issues raised by the request for review.

**Withdrawal of approvals: mistake or error**

9.—(1) Subject to the provisions of this regulation, the approval authority may decide to withdraw any approval given by it by reason of mistake or error on the part of that authority.

(2) A decision to withdraw an approval must be given by notice in writing (“a relevant notice”) and specify—

- (a) the nature of the mistake or error, and
- (b) the date from which the approval is to be withdrawn, which must be not less than 28 days nor more than six months after the date on which the relevant notice is given.

(3) Regulation 8(2) to (9) applies to the review of a decision under this regulation.

(4) Any review of a decision under this regulation may, subject to the requirement in paragraph (2) (b), vary the date from which the approval is to be withdrawn.

**Withdrawal and suspension of approvals: effect**

10.—(1) If the holder of an approval which has been withdrawn or suspended pursuant to the Type Approval Regulation or these Regulations purports by virtue of that approval to—

- (a) issue a certificate of conformity with respect to a vehicle, or
- (b) affix a statutory plate or mark pursuant to Article 38 of the Type Approval Regulation,

the certificate, plate or mark is invalid.

(2) The approval authority may, by notice given to the holder, exempt from paragraph (1) certificates of conformity or classes of certificates of conformity specified in the notice.

(3) The suspension of an approval does not affect the validity of any certificate of conformity issued under it before that suspension.

**Service**

11.—(1) Paragraphs (2) to (4) of this regulation have effect in relation to any notice or other document required or authorised by these Regulations or the Type Approval Regulation to be given to or served on any person by the approval authority, market surveillance authority or enforcement authority.

(2) Any such notice or document may be given to or served on the person in question—

- (a) by delivering it to the person;
- (b) by leaving it at that person's proper address;
- (c) by sending it by post to that person at that address;
- (d) by means of any form of electronic communication agreed with the person to whom it is to be sent.

(3) Any such notice or document may—

- (a) in the case of a body corporate, be given to or served on an officer of that body;
- (b) in the case of a partnership, be given to or served on any partner;
- (c) in the case of an unincorporated association other than a partnership, be given to or served on any member of the governing body of that association.

(4) For the purposes of this regulation and section 7 of the Interpretation Act 1978 (service of documents by post)(5) in its application to this regulation, the proper address of any person is that person's last known address (whether of the person's residence or of a place where the person carries on business or is employed) and also—

- (a) in the case of a body corporate or an officer of that body, the address of the registered or principal office of that body in the United Kingdom;
- (b) in the case of an unincorporated association other than a partnership or a member of its governing body, its principal office in the United Kingdom;
- (c) an address within the United Kingdom other than that person's proper address at which that person, or another acting on that person's behalf, will accept service of any notice or document required or authorised by these Regulations or the Type Approval Regulation to be given to or served on any person by the approval authority.

(5) Any notice or other document or information required by these Regulations or the Type Approval Regulation to be given to or served by any person on the approval authority, market surveillance authority or enforcement authority must be—

- (a) in writing, or
- (b) in an electronic format accepted by, and sent by means of any form of electronic communication agreed with, the approval authority, market surveillance authority or enforcement authority (as appropriate).

### **Provision of testing stations**

**12.** The approval authority may provide and maintain stations where examinations of relevant products may be carried out for the purposes of these Regulations or the Type Approval Regulation and may provide and maintain apparatus for carrying out such examinations.

### **Provision of technical information: loss or damage**

**13.—**(1) Where a duty is imposed on a manufacturer by Chapter XIII (provision of technical information) or Chapter XIV (access to vehicle OBD information and vehicle repair and maintenance information) of the Type Approval Regulation, any breach of the duty which causes a person to sustain loss or damage is actionable at the suit of that person.

(2) But, in any proceedings brought against a manufacturer in pursuance of this regulation, it is a defence for the manufacturer to show that the manufacturer took all reasonable steps and exercised all due diligence to avoid the breach.

### **Defeat systems**

**14.—**(1) A person who is a manufacturer commits an offence if a motor vehicle manufactured by that person—

- (a) is placed on the market or registered in the United Kingdom, and
- (b) that motor vehicle is fitted with a defeat system which is not permitted.

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(5) 1978 c.30.

(2) A separate offence under paragraph (1) is committed in respect of each such motor vehicle placed on the market or registered.

(3) A defeat system is not permitted unless—

(a) in the case of a motor vehicle to which Regulation (EC) 595/2009 applies, the fitting and operation of the defeat system is explained in the extended documentation package submitted by the manufacturer to the approval authority (as defined in Article 3(36) of the Type Approval Regulation) when applying for emissions type approval for that vehicle, or

(b) in the case of a motor vehicle to which Regulation (EC) 715/2007 applies—

(i) its use falls within one of the exceptions listed in Article 5(2)(a) to (c) of that Regulation, and

(ii) in respect of a motor vehicle submitted for emissions type approval after 16th May 2016, the fitting and operation of the defeat system is explained in the documentation package submitted by the manufacturer to the approval authority (as defined in Article 3(36) of the Type Approval Regulation) when applying for emissions type approval for that vehicle.

(4) Where, following examination of motor vehicles associated with a single EU vehicle type approval, the approval authority is satisfied that two or more of those motor vehicles—

(a) are vehicles for which an EU certificate of conformity has been issued in respect of that approval, and

(b) are fitted with a defeat system which is not permitted,

each motor vehicle associated with that single EU vehicle type approval is to be taken to be similarly fitted with a defeat system which is not permitted unless proved otherwise by the manufacturer.

(5) In paragraph (4), a motor vehicle is associated with an EU vehicle type approval if an EU certificate of conformity relating to that type approval has been issued in respect of that vehicle.

(6) A person who breaches a prohibition in paragraphs 9(1), (2) or 10(10) of Schedule 4 commits an offence.

(7) In this regulation—

“Commission Regulation (EC) No 692/2008” means Commission Regulation (EC) No 692/2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information<sup>(6)</sup>;

“Commission Regulation (EC) No 582/2011” means Commission Regulation (EC) No 582/2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council<sup>(7)</sup>;

“Commission Regulation (EU) 2017/1151” means Commission Regulation (EU) 2017/1151 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information<sup>(8)</sup>;

“defeat system” means—

(a) in the case of a motor vehicle to which Regulation (EC) 595/2009 applies—

<sup>(6)</sup> OJ No. L 199, 28.7.2008, p. 1.

<sup>(7)</sup> OJ No. L 167, 25.6.2011, p. 1.

<sup>(8)</sup> OJ No. L 175, 7.7.2017, p. 1.

- (i) where the engine system or engine family meets the conditions specified in Article 6(1a) of [Commission Regulation \(EC\) No 582/2011](#), a “defeat strategy” as defined in paragraph 2 of UNECE Regulation 49;
- (ii) in all other cases, a “defeat strategy” as defined in Article 3(8) of Regulation [\(EC\) 595/2009](#),

at the time of applying for emissions type approval for that vehicle;

- (b) in the case of a motor vehicle to which Regulation [\(EC\) 715/2007](#) applies—
  - (i) where, pursuant to Article 6(1) of [Commission Regulation \(EC\) No 692/2008](#), the motor vehicle meets the requirements of Regulation [\(EC\) 715/2007](#) by virtue of compliance with UNECE Regulation 83, a “defeat device” as defined in paragraph 2 of that UNECE Regulation;
  - (ii) in all other cases, a “defeat device” as defined in Article 3(10) of Regulation [\(EC\) 715/2007](#),

at the time of applying for emissions type approval for that vehicle;

“emissions type approval” means EC type approval in accordance with Regulation [\(EC\) 715/2007](#) or Regulation [\(EC\) 595/2009](#) (as appropriate) in respect of tailpipe emissions and evaporative emissions for a motor vehicle;

“extended documentation package” means—

- (a) in the case of a motor vehicle to which Regulation [\(EC\) 715/2007](#) applies, the extended documentation package mentioned in—
  - (i) Article 5(11) of [Commission Regulation \(EC\) No 692/2008](#)<sup>(9)</sup>; or
  - (ii) Article 5(11) of Commission Regulation (EU) 2017/1151;
- (b) in the case of a motor vehicle to which Regulation [\(EC\) 595/2009](#) applies, the extended documentation package specified in Article 5(3) of, and Section 8 of Annex I to, [Commission Regulation \(EC\) No 582/2011](#);

“placed on the market” means supplying or making available, whether in return for payment or free of charge, to a third party, and includes exposure for sale to a third party;

“registered” means registered pursuant to section 21 of the 1994 Act;

“Regulation [\(EC\) 715/2007](#)” means Regulation [\(EC\) No 715/2007](#) of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6)<sup>(10)</sup>;

“Regulation [\(EC\) 595/2009](#)” means Regulation [\(EC\) No 595/2009](#) of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI)<sup>(11)</sup>.

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<sup>(9)</sup> Paragraph 11 was inserted by Commission Regulation (EU) 2016/646 amending Regulation [\(EC\) No 692/2008](#) as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ No. L 109, 26.4.2016, p. 1).

<sup>(10)</sup> OJ No. L 171, 29.6.2007, p. 1.

<sup>(11)</sup> OJ No. L 188, 18.7.2009, p. 1.

## PART 3

### National small series type approval and individual approval

#### CHAPTER 1

##### National small series type approvals

##### **Applications for national small series type approval**

**15.**—(1) A manufacturer requiring—

- (a) a national small series type approval in respect of a vehicle, or
- (b) an amendment to a national small series type approval which the manufacturer holds,

must apply to the approval authority.

(2) An application under paragraph (1) may follow—

- (a) the step-by-step type-approval procedure,
- (b) the single-step type-approval procedure, or
- (c) the mixed type-approval procedure,

and, at the request of the applicant, the approval authority may, if it is thought appropriate, proceed by means of multi-stage type approval.

(3) An application under paragraph (1) must be in a form specified by the approval authority which—

- (a) has been completed so as to provide all the information reasonably required by the authority in relation to the class of vehicle in respect of which the application is made, and
- (b) is accompanied by—
  - (i) all the documents mentioned in the form as being required for the purposes of the application, and
  - (ii) the prescribed fee (if any).

(4) In this regulation, “mixed type-approval”, “multi-stage type approval”, “single-step type-approval” and “step-by-step type-approval” have the meanings given in Article 3 of the Type Approval Regulation but as if, in that Article, the words “type approval certificates under Article 42” were in each case substituted for “EU type-approval certificates”.

##### **Grant of national small series type approval**

**16.**—(1) The approval authority must—

- (a) make the decision whether or not to grant a national small series type approval or an amendment to such an approval in accordance with Article 42 of the Type Approval Regulation (national type-approval of vehicles produced in small series),
- (b) not grant the approval without first being satisfied that adequate arrangements have been made to ensure that production vehicles conform to the approved type, and
- (c) give notice of the decision to the applicant.

(2) For the purposes of paragraph (1)(a), the alternative requirements required to be laid down under Article 42(2) are the technical or other requirements specified in Schedule 1.

(3) Where the approval authority decides to grant or amend a national small series type approval, the authority must issue a type approval certificate which complies with regulation 20(1).



(4) If the holder of a national small series type approval so requests, the approval authority must send, by registered or electronic mail, a copy of the type approval certificate and any attachments relating to it to an authority in a member State other than the United Kingdom corresponding to the approval authority.

(5) Upon receiving a request from a person wishing to sell, register or put into service in a member State other than the United Kingdom a vehicle manufactured in conformity with a national small series type approval, the approval authority must supply to the authority in that member State corresponding to the approval authority a copy of the type approval certificate and any attachments relating to it.

(6) The approval authority may refuse to grant a national small series type approval if the authority is not satisfied that the applicant has made adequate arrangements to comply with regulation 7.

(7) The holder of a national small series type approval must issue, in respect of each vehicle (whether incomplete, complete or completed) which is manufactured in conformity with that approval, a certificate of conformity which—

- (a) complies with regulation 20(3), and
- (b) is numbered sequentially between 1 and the maximum permitted number to denote, in respect of each year of production, the position of the vehicle within the production allocated for that year.

(8) In paragraph (7), “maximum permitted number” and “year” have the meanings given in regulation 21(9).

(9) Article 36(3) of the Type Approval Regulation applies in relation to the issue of a duplicate of a certificate of conformity originally issued under paragraph (7).

### **Recognition of national type approvals of small series granted in other member States**

**17.—**(1) A manufacturer may, pursuant to the provisions of paragraphs 1 to 4 of Article 43 of the Type Approval Regulation (national type approval of small series), apply to the approval authority for recognition of a small series type approval granted to that manufacturer under the law of a member State other than the United Kingdom (a “non-UK type approval”).

(2) An application may not be made under paragraph (1) if an application in respect of the same type of vehicle has been made under regulation 15 and not withdrawn (and may not be proceeded with if an application under that regulation is made later).

(3) Not later than two months after receiving from the competent authority in that member State the type approval certificate and its attachments (including a statement of the technical provisions against which the vehicle type was approved), the approval authority must decide whether or not to accept the non-UK type approval.

(4) The type approval must be accepted unless the approval authority has reasonable grounds to believe that the technical provisions under which the approval was granted are not equivalent to those applying in the United Kingdom.

(5) If the approval is accepted, the approval authority must, as soon as practicable—

- (a) notify—
  - (i) the applicant, and
  - (ii) the competent authority in the member State which granted it;
- (b) issue a national small series type approval certificate.

(6) For the purposes of this regulation, the approval authority has reasonable grounds to believe that the technical provisions under which the approval was granted are not equivalent to those applying in the United Kingdom if (but not only if) the authority is not satisfied that—

- (a) the applicant has made adequate arrangements (including for co-operating with the approval authority and the competent authority in the member State which granted the approval) to ensure that production vehicles, systems, components or separate technical units covered by the non-UK type approval conform to the approved type, or
- (b) vehicles supplied in the United Kingdom will be constructed for use in left-hand traffic and use imperial and metric units of measurement for the speedometer.

## CHAPTER 2

### Individual approval

#### **Individual approval**

**18.**—(1) A person requiring an individual approval of a vehicle must—

- (a) be a qualifying applicant, and
- (b) make an application to the approval authority.

(2) An application under paragraph (1) must be in a form specified by the approval authority which—

- (a) has been completed so as to provide all the information reasonably required by the authority in relation to the vehicle for which the application is made, and
- (b) is accompanied by the documents mentioned in the form as being so required,

but the approval authority may waive all or any of these requirements in the case of a reapplication made not later than 6 months after an earlier refusal to grant an individual approval certificate for the vehicle.

(3) This paragraph applies where—

- (a) the application made under paragraph (1) is an application pursuant to Article 45 of the Type Approval Regulation; and
- (b) the vehicle to which the application relates is covered by a non-UK approval.

(4) Where paragraph (3) applies, the application must be accompanied by—

- (a) evidence to the satisfaction of the approval authority of the type approval number of the vehicle concerned, where the vehicle has been type approved pursuant to Article 42 of the Type Approval Regulation under the law of a member State other than the United Kingdom; or
- (b) a copy of—

- (i) the non-UK approval, and
- (ii) the attachments to the certificate of type approval (if applicable),

and, in the case of a vehicle which has the benefit of an individual approval granted pursuant to Article 45 of the Type Approval Regulation (individual approvals), must include a statement from the member State which granted it of the technical provisions against which the vehicle was approved.

(5) The approval authority may, if reasonably necessary and after payment of any prescribed fee, carry out an examination of the vehicle and in that event must, as soon as reasonably practicable after receiving the application, give to the applicant notice of—

- (a) the place at which the examination of the vehicle is to be carried out, and
- (b) the date and time at which the examination is to begin.

(6) Where the approval authority gives notice to an applicant under paragraph (5) that an examination of a vehicle is to be carried out—

- (a) the applicant must attend with the vehicle, or arrange for the vehicle to be produced, at the time and place specified in the notice unless otherwise agreed with the approval authority, and
  - (b) the approval authority may decline to proceed with the examination at that time and place if it is considered unsafe or otherwise unreasonable to do so.
- (7) The approval authority must—
- (a) make the decision whether or not to grant an individual approval in accordance with Article 44 or Article 45 of the Type Approval Regulation, and
  - (b) give notice to the applicant accordingly.
- (8) For the purposes of paragraph (7)(b)—
- (a) the alternative requirements required to be imposed under Article 45(1) of the Type Approval Regulation are the technical or other requirements specified in Schedule 2;
  - (b) where paragraph (3) applies, the approval authority must grant an individual approval unless there are reasonable grounds to believe that the technical provisions under which the non-UK approval covering the vehicle was granted are not equivalent to those applying in the United Kingdom.
- (9) For the purposes of paragraph (8)(b), the approval authority has reasonable grounds to believe that the technical provisions under which an approval was granted are not equivalent to those applying in the United Kingdom if (but not only if) the authority is not satisfied that the vehicle for which the application is made—
- (a) is constructed or adapted for use in left-hand traffic, and
  - (b) uses imperial units of measurement for the speedometer.
- (10) Where the approval authority decides to grant an individual approval, the authority must issue a certificate which complies with regulation 20(2).
- (11) If an individual approval certificate is lost or defaced, the owner or keeper of the vehicle to which the certificate relates may apply to the approval authority for a replacement certificate.
- (12) Where a certificate has been lost, the application for a replacement must include—
- (a) particulars of the vehicle or vehicle part to which the certificate related, and
  - (b) either the serial number of the original certificate or such other information concerning the original certificate as is available and is reasonably required for enabling the records relating to the original certificate to be searched and the particulars of the original traced.
- (13) Where a certificate has been defaced, the application for a replacement certificate must be accompanied by—
- (a) the defaced certificate, and
  - (b) (if the serial number of that certificate is no longer legible) by such other information concerning the original certificate as is available and is reasonably required for enabling the records relating to the original certificate to be searched and the particulars of the original traced.
- (14) A replacement certificate must be marked “Replacement”.
- (15) Every application under paragraph (11) for a replacement certificate must be accompanied by the prescribed fee (if any).
- (16) In this regulation—
- “non-UK approval” means—
- (a) type approval granted, pursuant to Article 42 of the Type Approval Regulation, under the law of a member State other than the United Kingdom,

- (b) an EU certificate of conformity issued in respect of a type approval (whether granted under the law of a member State or the United Kingdom) showing that the vehicle was not constructed or adapted for use in left-hand traffic or that it does not use imperial units of measurement for the speedometer, or
- (c) an individual approval granted, pursuant to Article 44 or 45 of the Type Approval Regulation, under the law of a member State other than the United Kingdom.

“qualifying applicant” means—

- (d) the manufacturer of the vehicle,
- (e) the owner of the vehicle, or
- (f) a person established in a member State who is acting on behalf of the manufacturer or owner.

### **Applications for individual approvals: appeals**

**19.**—(1) This regulation applies where a notice has been given to an applicant under regulation 18(7) (“a relevant notice”).

(2) A person aggrieved by a decision made pursuant to an application under regulation 18 may appeal to the approval authority not later than 14 days after the date of receipt of the relevant notice.

(3) An appeal under this regulation must—

- (a) be made by notice in writing in a form approved by the approval authority,
- (b) state the grounds on which it is made,
- (c) be accompanied by such documents and further evidence as may be specified in the form and reasonably necessary to support the grounds of appeal, and
- (d) be accompanied by the prescribed fee (if any).

(4) As soon as reasonably practicable after receiving the notice of appeal the approval authority must—

- (a) send a notice to the appellant stating the time and place where a re-examination of the vehicle is to be carried out for the purpose of determining the issues raised by the appeal, and
- (b) appoint a person (“the examiner”) to re-examine the vehicle.

(5) The appellant must attend with the vehicle, or arrange for the vehicle to be produced, at the time and place specified in the notice under paragraph (4) unless otherwise agreed with the approval authority.

(6) The examiner must determine whether or not the decision made under regulation 18(7) was a correct decision and the provisions of regulation 18(7) to (9) apply for the purposes of that determination as they applied for the purposes of the original decision.

(7) The examiner may—

- (a) confirm the original decision, or
- (b) make such other decision as the examiner thinks fit (including the reimbursement of any fee paid by the appellant),

and if it is decided that an individual approval should be granted the examiner must notify the approval authority accordingly.

## CHAPTER 3

### Form of certificates

#### **Form of certificates: national type approval of small series and individual approval**

**20.**—(1) A national small series type approval certificate must be in the form set out in Model A of Annex III to the Implementing Regulation.

(2) An individual approval certificate must be in the form set out in Model E of Annex III to the Implementing Regulation.

(3) A national small series certificate of conformity must be in the same format as that prescribed by Articles 36 and 37 of the Type Approval Regulation and Article 8 of the Implementing Regulation for an EU certificate of conformity relating to a vehicle of the same category and class containing such particulars as are relevant to the vehicle in respect of which it is issued, save that—

- (a) the certificate must carry the heading “National Small Series Certificate of Conformity (United Kingdom)”,
- (b) for each reference to an EU type-approval there must be substituted a reference to a national small series type approval, and
- (c) for “EU type-approved”, in each place the expression occurs, there must be substituted “nationally type-approved”.

(4) In this regulation, “the Implementing Regulation” means Commission Implementing Regulation (EU) 2020/683 of 15 April 2020 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles<sup>(12)</sup>.

## PART 4

### Conditions for licensing or entry into service of vehicles

#### CHAPTER 1

##### Conditions relating to motor vehicles

#### **Grant of first licence or registration of motor vehicle**

**21.**—(1) Where a person makes an application under section 21 of the 1994 Act for—

- (a) the issue of a first vehicle licence for a motor vehicle which is a relevant vehicle, or
- (b) the issue of a first nil licence for a motor vehicle which is a relevant vehicle,

the licence must not be granted unless one of the conditions in paragraph (3) is satisfied or paragraph (6) applies.

(2) Where a person makes an application under section 21 of the 1994 Act for the registration, before the issue of a first licence, of a motor vehicle which is a relevant vehicle the vehicle must not be registered unless one of the conditions in paragraph (3) is satisfied, or paragraph (6) applies.

(3) The “conditions” are that—

- (a) an appropriate EU certificate of conformity has effect with respect to the vehicle;

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(12) OJ No. L 163, 26.5.2020, p. 1.

- (b) an appropriate national small series certificate of conformity has effect with respect to the vehicle;
  - (c) an appropriate individual approval certificate has effect with respect to the vehicle.
- (4) Subject to paragraph (5), for the purposes of this Part a certificate of conformity of any kind has effect if—
- (a) it is issued in respect of—
    - (i) a type approval which, at the appropriate date, is valid for the vehicle in question, or
    - (ii) an end-of-series vehicle, and
  - (b) it is not issued in contravention of—
    - (i) an implementing act adopted under Article 36(4) of the Type Approval Regulation, or
    - (ii) regulation 16(7) (limitation on putting into service of vehicles covered by small series type approvals).
- (5) An EU certificate of conformity also has effect for the purposes of this Part if—
- (a) the vehicle to which it relates was first put into service in a member State other than the United Kingdom,
  - (b) it was issued in respect of an EU type-approval which was valid on the date on which the vehicle was first put into service, and
  - (c) it shows that the vehicle was constructed for use in left-hand traffic and that it uses imperial and metric units of measurement for the speedometer.
- (6) This paragraph applies where a vehicle—
- (a) is of a class falling in category M<sub>2</sub> or M<sub>3</sub>, and
  - (b) was completed before 30th July 2011.
- (7) In relation to a vehicle of a type to which a national small series type approval has been granted by the approval authority under regulation 16, the Secretary of State must not—
- (a) issue a first vehicle licence for a motor vehicle,
  - (b) issue a first nil licence for a motor vehicle,
  - (c) register a motor vehicle before the issue of a first licence, or
  - (d) give consent under regulation 23(3) to the supply of a large trailer for use on a road,
- if it appears that doing so would cause the total number of vehicles registered or, as the case may be, put into service on roads in the United Kingdom in any year to exceed the maximum permitted number.
- (8) In calculating whether the maximum permitted number is exceeded in any particular year, no account is to be taken of any vehicle manufactured in an earlier year which was not registered or, as the case may be, put into service on roads in the United Kingdom in that year and provided that the number of vehicles manufactured in that earlier year did not exceed the maximum permitted number.
- (9) In this regulation—
- “appropriate date” means, as the case may be, the date of the application under section 21 of the 1994 Act for the registration of, or the issue of a first licence for, a vehicle;
- “EU certificate of conformity” means any of—
- (a) a certificate of conformity within the meaning of Article 3(5) of the Type Approval Regulation,
  - (b) a certificate of conformity issued in accordance with—

- (i) regulation 15 of the Road Vehicles (Approval) Regulations 2009<sup>(13)</sup>, or
- (ii) regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998<sup>(14)</sup>, or
- (c) a certificate of conformity issued under the law of a member State other than the United Kingdom in accordance with—
  - (i) [Directive 2007/46/EC](#) of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles<sup>(15)</sup>, or
  - (ii) Council [Directive 70/156/EEC](#) of 6th February 1970 on the approximation of the laws of the member states relating to the type approval of motor vehicles and their trailers<sup>(16)</sup>;

“maximum permitted number” means the number of units specified in the table in paragraph 2 of Section A of Annex V to the Type Approval Regulation in relation to the vehicle category to which that type belongs;

“old vehicle” means—

- (a) a vehicle of category M<sub>1</sub> or N<sub>1</sub> which is more than 10 years old at the appropriate date, or
- (b) vehicle of category N<sub>2</sub> or N<sub>3</sub> which is more than 25 years old at the appropriate date;

“relevant vehicle” means a vehicle which is not an old vehicle and which is—

- (a) a vehicle of category M or N to which the Type Approval Regulation applies on a compulsory basis, or
- (b) a vehicle of any category except category O to which the Type Approval Regulation applies on an optional basis and where the manufacturer has obtained type approval or individual approval in respect of that vehicle;

“year” means any period commencing with 1st January and ending with 31st December.

### **Interoperability for car radio receivers**

**22.**—(1) A person commits an offence if a motor vehicle of category M—

- (a) is made available for sale or rent by that person for the first time on or after 21st December 2020, and
- (b) that motor vehicle is fitted with an integrated car radio receiver which is not permitted.

(2) An integrated car radio receiver is not permitted unless it comprises a receiver capable of receiving and reproducing at least radio services provided via digital terrestrial radio broadcasting.

(3) A car radio receiver which is in accordance with harmonised standards is to be taken to comply with the requirement of paragraph (2).

(4) In this regulation—

“car radio receiver” means any apparatus installed in a motor vehicle for the purpose of receiving (whether by means of wireless telegraphy or otherwise) and reproducing any radio service, whether or not the apparatus is installed for any other purpose;

“harmonised standards” means any harmonised standards or parts thereof relating to whether a car radio receiver is capable of receiving and reproducing at least radio services provided

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<sup>(13)</sup> [S.I. 2009/717](#). These Regulations were revoked with effect from 1st September 2020 by Part 2 of Schedule 6 to this instrument.

<sup>(14)</sup> [S.I. 1998/2051](#). These Regulations were revoked with effect from 29th April 2009 by [S.I. 2009/717](#).

<sup>(15)</sup> OJ No. L 263, 9.10.2007, p. 1.

<sup>(16)</sup> OJ No. L 42, 23.2.1970, p. 1.

via digital terrestrial radio broadcasting, the references of which have been published in the Official Journal of the European Union;

“made available” means any supply for distribution, consumption or use on the market in an EEA State in the course of a commercial activity, whether in return for payment or free of charge;

“radio service” means any of—

- (a) a sound broadcasting service, as defined in section 126 of the Broadcasting Act 1990<sup>(17)</sup>;
- (b) a digital sound programme service or radio multiplex service, as defined in section 40 of the Broadcasting Act 1996<sup>(18)</sup>;
- (c) the equivalent of the services in paragraphs (a) or (b) in another EEA State.

## CHAPTER 2

### Conditions relating to trailers

#### **Consent to supply of large trailers for use on a road**

**23.**—(1) A final supplier who intends to supply for use on a road a large trailer which is a relevant vehicle must first—

- (a) notify the approval authority of that intention,
- (b) furnish the approval authority with pertinent information about the trailer, and
- (c) obtain the consent of the approval authority to the supply of the trailer for such use.

(2) Paragraph (1) does not apply if the trailer has previously been supplied by a final supplier for use on a road.

(3) The approval authority must give consent for the purposes of paragraph (1)(c) if—

- (a) the principal conditions are satisfied, or
- (b) when the alternative conditions apply, those conditions are satisfied.

(4) The “principal conditions” are that—

- (a) an appropriate approval or certificate of conformity has effect with respect to the trailer,
- (b) where the application for consent is in consequence of the importation of the trailer from a place outside the United Kingdom, any value added tax or customs duty charged on or arising from its removal into the United Kingdom has been paid or remitted (or the approval authority is satisfied that it will be paid or remitted), and
- (c) there is otherwise no lawful reason (whether or not arising from a breach of these Regulations) for refusing to give consent.

(5) Schedule 3—

- (a) states when the alternative conditions apply, and
- (b) prescribes those conditions.

(6) Before giving consent for the purposes of paragraph (1)(c), the approval authority may—

- (a) undertake an inspection of the trailer (or arrange for such an inspection to be undertaken), and
- (b) carry out such tests on the trailer as the authority thinks fit (or arrange for such tests to be carried out).

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<sup>(17)</sup> 1990 c.42.

<sup>(18)</sup> 1996 c.55.



(7) Where the approval authority refuses to give consent under this regulation, the refusal must be accompanied by notice of that fact.

(8) In this regulation—

“appropriate approval or certificate of conformity” means any of the following which is appropriate to the vehicle and issued pursuant to the Road Vehicles (Approval) Regulations 2009 or these Regulations—

- (a) an EU certificate of conformity;
- (b) a national small series certificate of conformity;
- (c) an individual approval certificate;

“relevant vehicle” means trailers of category O to which the Type Approval Regulation applies<sup>(19)</sup>.

### **Records of large trailers**

**24.** For a period of not less than 10 years from the date of the consent, the approval authority must keep a record of—

- (a) every consent given under regulation 23(3), and
- (b) the pertinent information about the large trailer in respect of which that consent is given.

### **Records of small trailers**

**25.**—(1) A final supplier who—

- (a) has supplied a small trailer for use on a road, or
- (b) puts such a trailer into service on a road for personal use (as the end-user),

must, as soon as reasonably possible after making that supply or putting the trailer into service, make a record of pertinent information about the trailer.

(2) Paragraph (1) does not apply if—

- (a) the trailer has previously been used on a road, or
- (b) it was manufactured more than 10 years before the date when it is first used on a road.

(3) The final supplier must keep, or ensure that there is kept, in a secure manner every record of pertinent information made under paragraph (1) for a period of not less than 10 years from the date on which that supplier supplies the trailer for use, or puts it into service, on a road.

## **CHAPTER 3**

### **Interpretation**

#### **Interpretation of Part**

**26.**—(1) In this Part—

“large trailer” means a trailer constructed or adapted for the carriage of goods—

- (a) which is—
  - (i) a semi-trailer of any weight, or
  - (ii) a trailer other than a semi-trailer or converter dolly the unladen weight of which exceeds 1020kg, and
- (b) which is not a vehicle of a description listed in—

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<sup>(19)</sup> See Article 2 of that Regulation.

- (i) Schedule 2 to the Goods Vehicles (Plating and Testing) Regulations 1988<sup>(20)</sup>, or
- (ii) Schedule 2 to the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003<sup>(21)</sup>;

“pertinent information” means—

- (a) the principal information, or
- (b) when the alternative conditions apply, the alternative information.

“principal information” is—

- (a) the name and address and (if any) the company registration number of the manufacturer;
- (b) the manufacturer’s designation (make and model) of the trailer;
- (c) the month and year when manufacture of the vehicle was completed;
- (d) the vehicle identification (VIN) number;
- (e) the number of—
  - (i) the type approval, or
  - (ii) the individual approval certificate;
- (f) in the case of a large trailer, the date of any certificate of conformity issued in respect of the vehicle;
- (g) in the case of a small trailer—
  - (i) a copy of any certificate of conformity issued in respect of the vehicle,
  - (ii) the date of supply, and
  - (iii) the name and address of the purchaser;

“small trailer” means a trailer which is not a large trailer.

(2) For the purposes of this regulation—

“alternative conditions” are the conditions applied by virtue of Schedule 3;

“alternative information” is the information specified in Schedule 3;

“converter dolly” means a trailer which—

- (a) is equipped with two or more wheels,
- (b) is designed to be used in combination with a semi-trailer without any part of the weight of the semi-trailer being borne by the drawing vehicle, and
- (c) is not in itself part of the semi-trailer or the drawing vehicle when being so used;

“semi-trailer” means a trailer which is constructed or adapted to form part of an articulated vehicle.

## CHAPTER 4

Making available on the market, registration or entry into service: limits and derogations

### End-of-Series vehicles: limits

**27.** For the purposes of Part B of Annex V of the Type Approval Regulation, the maximum number of complete vehicles and completed vehicles<sup>(22)</sup> entered into service in the United Kingdom is restricted in accordance with paragraph 2 of that Part.

<sup>(20)</sup> S.I. 1988/1478. Schedule 2 was amended by S.I. 1991/252, 1995/1456, 2001/307, 2002/487, 2003/1816, 2005/2343, 2011/3058 and 2017/849.

<sup>(21)</sup> S.R. 2003 No. 304. Schedule 2 was amended by S.R. 2013 No. 218 and 2018 No. 86.

<sup>(22)</sup> See Article 3(26) and (27) of the Type Approval Regulation for the definitions of completed vehicle and complete vehicle.

### **Components and separate technical units: derogations**

28. Except where these Regulations or any other enactment make provision to the contrary (if at all), the derogations permitted by paragraphs 3, 4 and 5 of Article 50 of the Type Approval Regulation apply.

## **PART 5**

### **Offences, enforcement and civil penalties**

#### **Offences, enforcement and civil penalties**

29.—(1) Schedule 4 (offences, penalties, enforcement and other matters) and Schedule 5 (other legislation for which penalties are applied) have effect.

(2) Except in paragraph 2 of Schedule 4 or in relation to the expression “Officer of Revenue and Customs”, a reference in Schedule 4 to an officer is a reference to any person authorised by the enforcement authority to assist the authority in enforcing these Regulations and the Type Approval Regulation.

## **PART 6**

### **Consequential amendments, revocations, savings and transitional provisions**

#### **Consequential amendments, revocations and savings**

30.—(1) Schedule 6 (consequential amendments and revocations) has effect.

(2) Anything—

- (a) done under, or by virtue of, any provision in Regulations revoked by these Regulations, if it could have been done under or for the purpose of the corresponding provision of these Regulations or the Type Approval Regulation, is deemed to have been done under or by virtue of the corresponding provision of these Regulations or the Type Approval Regulation, and
- (b) begun under, or by virtue of, any provision in Regulations revoked by these Regulations, if it may be done under or for the purpose of the corresponding provision of these Regulations or the Type Approval Regulation, may be continued under these Regulations or the Type Approval Regulation as if begun under these Regulations or the Type Approval Regulation.

#### **Transitional provision: national small series type approval of vehicles over 4m in height**

31.—(1) This regulation applies in respect of a national small series type approval—

- (a) granted pursuant to the Road Vehicles (Approval) Regulations 2009, and
- (b) valid immediately before the coming into force of these Regulations.

(2) In relation to a type of vehicle specified in column (1) of the Table in this regulation and which exceeds 4 metres in height, the definition of “maximum permitted number” in regulation 21(9) is to be read as though it were a reference to the number shown in column (2) of the table in relation to the vehicle category to which that type belongs.

**Table****Maximum permitted number**

<i>Column 1</i>	<i>Column 2</i>
<i>Vehicle category</i>	<i>Maximum permitted number</i>
M <sub>2</sub> or M <sub>3</sub>	1000
N <sub>2</sub> or N <sub>3</sub>	1200
O <sub>3</sub> or O <sub>4</sub>	2000

**Transitional provision: national small series type approval certificate of conformity**

**32.** For the period beginning with the day on which these Regulations are commenced and ending with 31st December 2020, the obligations imposed by regulation 20(3) apply as though, in paragraph 3 of Annex VIII of the Implementing Regulation (as defined in regulation 20(4)), the words after “coloured graphics” were omitted.

Signed by authority of the Secretary of State for Transport

3rd August 2020

*Chris Heaton-Harris*  
Minister of State  
Department for Transport