
STATUTORY INSTRUMENTS

2020 No. 818

The Road Vehicles (Approval) Regulations 2020

PART 3

National small series type approval and individual approval

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.