
STATUTORY INSTRUMENTS

2022 No. 1273

The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022

PART 3

Amendments to secondary legislation

Amendments to the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations 1999

6.—(1) The Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations 1999⁽¹⁾ are amended as follows.

(2) In regulation 3(2)—

(a) in the definition of “applicant”—

(i) in paragraph (a), after “EU instrument” insert “, GB type-approval enactment”;

(ii) in paragraph (b), at the end, insert “or for the GB small series type-approval scheme”;

(b) in the definition of “approval requirements”, in paragraph (a), after sub-paragraph (iv) insert—

“(iva) a GB type-approval enactment.”;

(c) in the definition of “EU instrument”—

(i) in paragraph (a), before “Type” insert “EU”;

(ii) in paragraph (b), before “tractor” insert “EU”;

(iii) in paragraph (c), before “motorcycle” insert “EU”;

(d) in the definition of “ECE Regulation”—

(i) in paragraph (a), at the end insert “or the “EU Type Approval Regulation”;

(ii) in paragraph (b)(i), at the end, insert “or the “EU tractor type approval regulation”;

(iii) in paragraph (b)(ii), at the end, insert “or the “EU motorcycle type approval regulation”;

(e) after the definition of “ECE Regulation”, insert—

““EU Type Approval Regulation” has the meaning given in regulation 2(1) of the Approval Regulations;

“EU motorcycle type-approval Regulation” means Regulation (EU) No 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, as that Regulation applies in the

European Union and in Northern Ireland under the Northern Ireland Protocol, and as amended from time to time⁽²⁾;

“EU tractor type approval regulation” means Regulation (EU) No 167/2013 of the European Parliament and of the Council on the approval and market surveillance of agricultural and forestry vehicles, as that Regulation applies in the European Union and in Northern Ireland under the Northern Ireland Protocol, and as amended from time to time⁽³⁾”;

(f) after the definition of “examination”, insert—

““GB small series type-approval” has the meaning given in regulation 2(1) of the Approval Regulations;

“GB type-approval enactment” means any enactment or regulatory act listed in a table in—

(a) Part I or Part III of Annex II to the Type Approval Regulation;

(b) Annex I to the tractor type approval Regulation, or

(c) Annex II to the motorcycle type approval Regulation;”;

(g) in the definition of “national small series type approval” before “Type” insert “EU”;

(h) after the definition of “the Type Approval Regulation”, insert—

““UK (NI) type-approval” has the meaning given in regulation 2(1) of the Approval Regulations.”.

(3) In regulation 3(4), at the end insert, “or, for the purposes of a UK (NI) type-approval or a national small series type-approval, in Article 4 of the EU Type Approval Regulation”.

(4) In regulation 5A—

(a) in the heading, at the end, insert “or the GB small series type approval scheme”;

(b) in paragraph (1)—

(i) after “Approval Regulations” insert “, whether in respect of a national small series type-approval or a GB small series type-approval,”;

(ii) after “Type Approval Regulation” insert “in the case of a GB small series type-approval or, in the case of the national small series type-approval scheme, the EU Type-Approval Regulation”;

(c) in paragraph (2), at the beginning, insert “Subject to paragraph (2A)”;

(d) after paragraph (2), insert—

“(2A) In the case of the national small series type-approval scheme only, expressions used in this regulation or in Part 3 of Schedule 1 which are also used in the EU Type-Approval Regulation have the same meaning as in that Regulation and cognate expressions are to be construed accordingly.”.

(5) In regulation 6—

(a) in the heading, for “an EU” substitute “a GB or a UK (NI)”;

(b) for paragraph (1), substitute—

“(1) In this regulation—

“GB vehicle type approval certificate” means a type approval certificate issued under Article 26(2) of the Type Approval Regulation in relation to a complete, incomplete or completed vehicle (being expressions used in the Type Approval Regulation);

(2) OJ L 60, 2.3.2013, p. 52.

(3) OJ L 60, 2.3.2013, p. 1.

- “UK (NI) vehicle type approval certificate” means a type approval certificate issued under Article 26(2) of the EU Type Approval Regulation in relation to a complete, incomplete or completed vehicle (being expressions used in the EU Type Approval Regulation);”;
- (c) in paragraph (2), for “Expressions”, substitute “Where the examination is conducted with a view to the issue of a GB vehicle type approval certificate, expressions”;
- (d) after paragraph (2), insert—
- “(2A) Where the examination is conducted with a view to the issue of a UK (NI) vehicle type approval certificate, expressions used in this regulation or in Part 4 of Schedule 1 which are also used in the EU Type Approval Regulation have the same meaning as in that Regulation and cognate expressions are to be construed accordingly.”;
- (e) in paragraph (3), for “EU vehicle type approval certificate”, substitute “GB vehicle type approval certificate or UK (NI) vehicle type approval certificate”;
- (f) in paragraphs (4) to (7), for “an EU vehicle type approval certificate”, each time it occurs, substitute “a GB vehicle type approval certificate or a UK (NI) vehicle type approval certificate”;
- (g) in paragraph (6), for “the EU vehicle type approval certificate” substitute “the GB vehicle type approval certificate or the UK (NI) vehicle type approval certificate”.
- (6) In regulation 7(4)—
- (a) in sub-paragraph (b)—
- (i) at the end of paragraph (i), omit “or”;
- (ii) after paragraph (i), insert—
- “(ia) a GB type-approval enactment;”;
- (b) in sub-paragraph (c), at the end, insert “or a GB small series type-approval”.
- (7) In regulation 8—
- (a) after “for the purposes of” the first time it occurs, insert “a GB type-approval enactment;”;
- (b) after “for the purposes of” the second time it occurs, insert “a GB small series type-approval or”.
- (8) In regulation 16(1)—
- (a) after “for the purposes of” the first time it occurs, insert “a GB small series type-approval or”.
- (b) after “for the purposes of” the second time it occurs, insert “a GB type-approval enactment,”.
- (9) In regulation 17(1)—
- (a) after “for the purposes of” the first time it occurs, insert “a GB small series type-approval or”;
- (b) after “for the purposes of any” insert “GB type-approval enactment,”.
- (10) In Schedule 1—
- (a) in the heading to Part III, after “Regulations—” insert “GB Small Series Type-Approval and”;
- (b) in the heading to Part IV, for “EU” substitute “GB or UK (NI)”.
- (11) In Schedule 3, in the Table—
- (a) in the heading to entry (B), after “(B) insert “GB TYPE-APPROVAL ENACTMENTS OR”;

- (b) in the description for fees 80003 and 80004, after “Regulation” insert “(or in the case of a UK (NI) type-approval, the EU Type-Approval Regulation)”;
- (c) in entry (D), in the description for fee 80007, before “EU” insert “GB, UK (NI),”;
- (d) in entry (E), in sub-paragraph (ii) of the description for fee 80008, for “EU” substitute “GB, UK (NI),”;
- (e) in Note NB at the end of the Table, for “both EU and ECE certificates” substitute “both GB and ECE or both UK (NI) and ECE”.

(12) In the Table in Part 3 of Schedule 4, in the description in column 1, after “Type Approval Regulation” insert “(or in the case of a UK (NI) type-approval, the EU Type-Approval Regulation)”.

Amendments to the Road Vehicles (Individual Approval) (Fees) Regulations 2009

7.—(1) The Road Vehicles (Individual Approval) (Fees) Regulations 2009⁽⁴⁾ are amended as follows.

(2) In regulation 2(1)—

- (a) for the definition of “the Type Approval Regulation”, substitute—
 - ““the Type Approval Regulation” has the meaning given in regulation 2(1) of the Approval Regulations;”;
- (b) after the definition of “bank holiday” insert—
 - ““EU Type-Approval Regulation” has the meaning given in regulation 2(1) of the Approval Regulations;”;
- (c) in the definition of “individual approval”—
 - (i) before “individual” insert “GB”;
 - (ii) after “prescribed” insert “in respect of Great Britain”;
- (d) after the definition of “the Type Approval Regulation”, insert—
 - ““UK (NI) individual approval” means the process of certification that a particular vehicle, whether unique or not, satisfies the relevant administrative and technical requirements prescribed in respect of Northern Ireland by the Approval Regulations (and particularly Chapter 2 of Part 3 of those Regulations);”;
- (e) in regulation 2(2) at the end insert “or in the case of a UK (NI) individual approval, the EU Type-Approval Regulation”.

(3) In regulation 12—

- (a) after “Regulation” insert “(or in the case of a UK (NI) individual approval, the EU Type-Approval Regulation)”;
- (b) for “individual approval” substitute “GB individual approval or a UK (NI) individual approval, as the case may be,”.

Amendments to the Motorcycles (Type-Approval) Regulations 2018

8. After regulation 11 of the Motorcycles (Type-Approval) Regulations 2018⁽⁵⁾, insert—

“Products approved in member States or in Northern Ireland

11A.—(1) Paragraphs (2) to (6) apply notwithstanding anything in these Regulations or the Motorcycles Regulation.

(4) S.I. 2009/718, amended by S.I. 2020/818.

(5) S.I. 2018/235.

(2) A manufacturer or an importer may place a qualifying relevant product on the market in Great Britain.

(3) A distributor may make a qualifying relevant product available on the market in Great Britain.

(4) The Secretary of State may issue a licence in accordance with section 7 of the Vehicle Excise and Registration Act 1994⁽⁶⁾ to a qualifying relevant product which is a vehicle.

(5) The Secretary of State may register a qualifying relevant product which is a vehicle in accordance with section 21 of the Vehicle Excise and Registration Act 1994.

(6) In this regulation—

“qualifying relevant product” means a relevant product—

- (a) in respect of which the manufacturer of the product holds a relevant approval, or
- (b) which the Secretary of State has permitted to be placed on the market, registered or entered into service in accordance with Article 44 of the Motorcycles Regulation as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement;

“relevant approval” means—

- (a) a valid type-approval issued in accordance with the Motorcycles Regulation, provided that the product to which it relates was in the United Kingdom before IP completion day,
- (b) a valid type-approval issued in accordance with section 55(1A) or (1D) of the Road Traffic Act 1988⁽⁷⁾,
- (c) a valid type-approval issued in relation to a qualifying Northern Ireland good, within the meaning of section 47 of the United Kingdom Internal Market Act 2020⁽⁸⁾, in accordance with the Motorcycles Regulation as it has effect in EU law,
- (d) a valid type approval issued on or after IP completion day by the Secretary of State in accordance with the Motorcycles Regulation as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement, and includes any such approval which is revised or extended..”.

Amendments to the Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018

9. After regulation 11 of the Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018⁽⁹⁾, insert—

“Products approved in member States or in Northern Ireland

11A.—(1) Paragraphs (2) to (6) apply notwithstanding anything in these Regulations or the AFV Regulation.

(2) A manufacturer or an importer may place a qualifying relevant product on the market in Great Britain.

(3) A distributor may make a qualifying relevant product available on the market in Great Britain.

⁽⁶⁾ 1994 c. 22. There are amendments to section 7 which are not relevant to these Regulations.

⁽⁷⁾ 1988 c. 52. Subsection (1A) was inserted by S.I. 2019/648. Subsection (1D) is inserted by these Regulations.

⁽⁸⁾ 2020 c. 27.

⁽⁹⁾ S.I. 2018/236.

(4) The Secretary of State may issue a licence in accordance with section 7 of the Vehicle Excise and Registration Act 1994⁽¹⁰⁾ to a qualifying relevant product which is a vehicle.

(5) The Secretary of State may register a qualifying relevant product which is a vehicle in accordance with section 21 of the Vehicle Excise and Registration Act 1994.

(6) In this regulation—

“qualifying relevant product” means a relevant product—

- (a) in respect of which the manufacturer of the product holds a relevant approval, or
- (b) which the Secretary of State has permitted to be placed on the market, registered or entered into service in accordance with Article 39 of the AFV Regulation as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement;

“relevant approval” means—

- (a) a valid type-approval issued in accordance with the AFV Regulation, provided that the product to which it relates was in the United Kingdom before IP completion day,
- (b) a valid type-approval issued in accordance with section 55(1A) or (1D) of the Road Traffic Act 1988,
- (c) a valid type-approval issued in relation to a qualifying Northern Ireland good, within the meaning of section 47 of the United Kingdom Internal Market Act 2020⁽¹¹⁾, in accordance with the Motorcycles Regulation as it has effect in EU law,
- (d) a valid type approval issued on or after IP completion day by the Secretary of State in accordance with the AFV Regulation as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement,

and includes any such approval which is revised or extended..”.

Amendments to the Non-Road Mobile Machinery (Type-approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018

10.—(1) The Non-Road Mobile Machinery (Type-approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018⁽¹²⁾ are amended as follows.

(2) In regulation 2(1), after the definition of “enforcement authority”, insert—

““EU NRMM Regulation” means the NRMM Regulation as that Regulation has effect in EU law;”.

(3) After regulation 10, insert—

“Products approved in member States or in Northern Ireland

10A.—(1) Paragraphs (2) to (4) apply notwithstanding anything in these Regulations or the NRMM Regulation.

(2) A manufacturer or an importer may place a qualifying relevant product on the market in Great Britain.

(3) A distributor may make a qualifying relevant product available on the market in Great Britain.

⁽¹⁰⁾ 1994 c. 22. There are amendments to section 7 which are not relevant to these Regulations.

⁽¹¹⁾ 2020 c. 27.

⁽¹²⁾ S.I. 2018/764, amended by S.I. 2019/648 and 2020/1393.

(4) In this regulation—

“qualifying relevant product” means a relevant product—

- (a) in respect of which the manufacturer of the product holds a relevant approval, or
- (b) which is an engine falling within the scope of Article 58(10) or (11) of the EU NRMM Regulation,
- (c) which is an engine falling within the scope of Article 34(7) of the EU NRMM Regulation, provided the approval authority has examined the machine in which the replacement engine is proposed to be installed and concluded that the installation of an engine that complies with the applicable emission limits set out in Tables II-7 and II-8 of Annex II of that Regulation would involve significant technical difficulties, or
- (d) which is a transition engine within the meaning of Article 3(32) of the EU NRMM Regulation, or a mobile machine in which a transition engine is installed, but only where that transition engine is placed or made available on the market in Great Britain in the same circumstances as are provided for in paragraphs 5, 6, 7 and 8 of Article 58 of that Regulation;

“relevant approval” means—

- (a) a valid type-approval issued in accordance with the EU NRMM Regulation, provided that the product to which it relates was in the United Kingdom before 1st January 2023,
- (b) a valid type-approval issued in accordance with regulation 10B,
- (c) a valid type-approval issued in relation to a qualifying Northern Ireland good, within the meaning of section 47 of the United Kingdom Internal Market Act 2020(13), in accordance with the EU NRMM Regulation,
- (d) a valid type approval issued on or after IP completion day by the Secretary of State in accordance with the EU NRMM Regulation as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement,

and includes any such approval which is revised or extended.”;

(4) After regulation 10A, insert—

“Provisional type-approvals

10B.—(1) Where the approval authority is satisfied on application made to it by the manufacturer of a qualifying relevant product—

- (a) that the manufacturer holds in respect of that qualifying relevant product a relevant European approval; and
- (b) that adequate arrangements have been made to secure that other products conform with that qualifying relevant product in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,

the approval authority may, where an application has been received before the expiry of the relevant period, grant type-approval for the qualifying relevant product and issue the corresponding type-approval certificate.

(2) The approval authority may approve an application under paragraph (1) where the application was made before 11 p.m. on 31st December 2022.

- (3) If the type-approval certificate is issued following approval under paragraph (1), the certificate is to remain in force—
- (a) for a period of two years beginning with the day of issue; or
 - (b) (if earlier) until such time as the manufacturer is notified by the approval authority in writing that the authority is no longer satisfied that the products purporting to conform with the qualifying relevant product do so conform.
- (4) Where the approval authority gives notice to the manufacturer under paragraph (3)(b), that notice must set out the reasons for the authority’s opinion.
- (5) For the purposes of paragraph (1)—
- (a) “relevant European approval” means a valid type-approval issued—
 - (i) before IP completion day in a member State other than in the United Kingdom in accordance with the NRMM Regulation; or
 - (ii) on or after IP completion day in a member State in accordance with the EU NRMM Regulation,
 including any such approval which is revised or extended;
 - (b) the “relevant period” means the period beginning with the day on which this regulation comes into force, and ending with 31st December 2027;
- “qualifying relevant product”, means a relevant product which is intended to be placed on the market, or which is to be entered into service, in Great Britain.
- (6) This regulation applies notwithstanding any other provision in these Regulations or the NRMM Regulation.”.

Amendments to the Road Vehicles (Approval) Regulations 2020

11. The Road Vehicles (Approval) Regulations 2020(14) are amended in accordance with regulations 10 to 19.

Amendments to Part 1

12.—(1) After regulation 1, insert—

“Application

1A. The following provisions of these Regulations do not apply in England and Wales or Scotland—

- (a) in regulation 16, paragraphs (4) and (5);
- (b) regulation 17;
- (c) in regulation 18, paragraphs (8)(b) and (9).”

(2) In regulation 2(1)—

- (a) after the definition of “enforcement authority”, insert—
 - ““EU individual vehicle approval” means an individual vehicle approval granted in accordance with Article 44 of the EU Type Approval Regulation;
 - “EU small series type-approval” means an EU type-approval granted in accordance with Article 41 of the EU Type Approval Regulation;

“EU 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, as that Regulation applies in EU law and as it has effect by virtue of the Northern Ireland Protocol, as amended from time to time;

“EU whole-vehicle type-approval” means a whole vehicle type-approval granted in accordance with Article 22 of the EU Type Approval Regulation;

“GB individual vehicle approval” means an individual vehicle approval granted in accordance with Article 45 of the Type Approval Regulation;

“GB medium series type-approval” means a GB type-approval granted in accordance with Article 41 of the Type Approval Regulation;

“GB small series type-approval” means a GB type-approval granted in accordance with Article 42 of the Type Approval Regulation;

“GB whole-vehicle type-approval” means a whole-vehicle type-approval granted in accordance with Article 22 of the Type Approval Regulation;

“national individual vehicle approval” means national individual vehicle granted approval in accordance with Article 45 of the EU Type Approval Regulation;

“national small series type-approval” means national small series type-approval in accordance with Article 42 of the EU Type Approval Regulation;

“Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

“qualifying Northern Ireland goods” has the meaning given in section 47 of the United Kingdom Internal Market Act 2020(15);”;

(b) in the definition of “UNECE Regulation”, after paragraph (a), insert—

“(aa) In the case of a UK (NI) type-approval only, a UN Regulation of that number specified in Annex I to Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, as that Regulation has effect by virtue of the Northern Ireland Protocol(16);”;

(c) after the definition of “UNECE Regulation”, insert—

““UK (NI) national individual vehicle approval” means an individual vehicle approval granted by the Secretary of State in respect of Northern Ireland in accordance with Article 45 of the EU Type Approval Regulation;

“UK (NI) national small series type approval” means a national small series type approval granted by the Secretary of State in accordance with Article 42 of the EU Type Approval Regulation;

“UK (NI) type-approval” means an EU type-approval granted by the Secretary of State in respect of Northern Ireland in accordance with the EU Type Approval Regulation;

(15) 2020 c. 27.

(16) OJ L 325, 16.12.2019, p. 1.

“UK (NI) whole-vehicle type-approval” means an EU whole vehicle type-approval granted by the Secretary of State in respect of Northern Ireland in accordance with Article 22 of the EU Type Approval Regulation;”;

- (d) in paragraph (2), after “provided,” insert “subject to paragraph (3)”;
- (e) after paragraph (2), insert—

“(3) Unless otherwise provided, any word or expression used in these Regulations in a provision relating to an obligation created or arising by or under the Northern Ireland Protocol, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018(17) applies, and which is defined in Article 3 of the EU Type Approval Regulation has the meaning given in that Article.”.

Amendments to Part 2

13.—(1) For the heading to Part 2, substitute “Type-approval”.

(2) In regulation 3, for “and the Type Approval Regulation” substitute “, the Type Approval Regulation and the EU Type Approval Regulation”.

(3) In regulation 4—

- (a) in paragraph (a), for “and the Type Approval Regulation” substitute “, the Type Approval Regulation and the EU Type Approval Regulation”,
- (b) at the end of paragraph (a), omit “and”, and
- (c) at the end of paragraph (b), insert—
 - “, and
 - (c) where applied by the EU Type Approval Regulation, or otherwise applicable to relevant products, Regulation (EU) 2019/1020 on market surveillance and compliance of products, as that Regulation has effect by virtue of the Northern Ireland Protocol(18).”.

(4) In regulation 5, after “Approval Regulation” insert “or of the EU Type Approval Regulation”.

(5) In regulation 6—

- (a) in the heading, omit “EU”;
- (b) in paragraph (1)—
 - (i) in the opening words, for “EU type-approval application” substitute “application for a GB type-approval or a UK (NI) type-approval”;
 - (ii) in the closing words, after “Approval Regulation” insert “or the EU Type Approval Regulation, as applicable.”;
- (c) in paragraph (2), after “Approval Regulation” insert “or the EU Type Approval Regulation, as applicable”.
- (d) in paragraph (3), after “Approval Regulation” insert “or the EU Type Approval Regulation, as applicable”.

(6) After regulation 6, insert—

(17) 2018 c. 16, as amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(18) OJ L 169, 25.6.2019, p. 1.

“Reusability, recycling and recovery of component parts and materials

6A.—(1) For the purposes of a GB type-approval, references in the following provisions of Annex II to the Type Approval Regulation to “[Directive 2005/64/EC](#) of the European Parliament and of the Council” are to be read as references to Schedule A1—

- (a) entry 59 of the table in Part 1;
- (b) entry 59 of table 1 in Appendix 1 to Part 1;
- (c) entry 59 of table 2 in Appendix 1 to Part 1.

(2) Schedule A1 applies to vehicles belonging to categories M1 and N1, as defined in Article 4 of the Type Approval Regulation.”.

(7) In regulation 7—

- (a) renumber the existing paragraph as paragraph (1);
- (b) in paragraph (1), as so renumbered—
 - (i) for “an EU type-approval, or national small series vehicle type-approval in accordance with Article 42 of the Type Approval Regulation” substitute “an approval referred to in paragraph (2)”;
 - (ii) in sub-paragraph (b), after “Regulation” insert “or the EU Type Approval Regulation”;
- (c) after paragraph (1), insert—

“(2) The approvals referred to in this paragraph are—

 - (a) a GB type-approval;
 - (b) an EU type-approval issued by the Secretary of State before IP completion day;
 - (c) a UK (NI) type-approval;
 - (d) a national small series type-approval issued by the Secretary of State before IP completion day;
 - (e) a UK (NI) national small series type-approval;
 - (f) a GB small series type-approval.”.

(8) In regulation 8(1)—

- (a) in the opening words, after “Regulation” insert “or the EU Type Approval Regulation”;
- (b) for paragraph (b) (but not the “and” at the end of that sub-paragraph), substitute—

“(b) the remedies available to the party concerned—

 - (i) where the application is made in respect of Great Britain, under the laws in force in Great Britain;
 - (ii) where the application is made in respect of Northern Ireland, under the laws in force in Northern Ireland.”.

(9) In regulation 10(1)—

- (a) in the opening words, after “Regulation” insert “, the EU Type Approval Regulation”;
- (b) in sub-paragraph (b), after “Regulation” insert “or the EU Type Approval Regulation, as applicable”.

(10) In regulation 11, in paragraphs (1), (4)(c) and (5), for “or the Type Approval Regulation” substitute “, the Type Approval Regulation or the EU Type Approval Regulation”.

(11) In regulation 12, for “or the Type Approval Regulation” substitute “, the Type Approval Regulation or the EU Type Approval Regulation”.

(12) In regulation 13(1), after “Regulation”, insert “or the EU Type Approval Regulation”.

- (13) In regulation 14—
- (a) in paragraph (1)(a), for the words after “registered in” to the end, substitute “Great Britain or, as the case may be, Northern Ireland, and”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (a)—
 - (aa) in the opening words, for “to which Regulation (EC) 595/2009 applies”, substitute “which is of a type approved in accordance with Regulation (EC) 595/2009 or EU Regulation (EC) 595/2009”;
 - (bb) after “approval authority” insert “or the approval authority of a member State”“Approval Regulation”;
 - (cc) for “Type Approval Regulation” substitute “EU Type Approval Regulation”;
 - (ii) in sub-paragraph (b)—
 - (aa) in the opening words, for “to which Regulation (EC) 715/2007 applies” substitute “which is of a type approved in accordance with Regulation (EC) 715/2007 or EU Regulation (EC) 715/2007”;
 - (bb) in paragraph (i) for “that Regulation” substitute “the Regulation in accordance with which the type was approved”;
 - (cc) in paragraph (ii), after “approval authority” insert “or the approval authority of a member State”;
 - (dd) for “Type Approval Regulation” substitute “EU Type Approval Regulation”;
 - (c) in paragraph (4)—
 - (i) for “a single EU vehicle type-approval” substitute “an applicable type-approval”;
 - (ii) for “that single EU vehicle type-approval” substitute “that applicable type-approval”;
 - (iii) in sub-paragraph (a), for “an EU”, substitute “a”;
 - (d) for paragraph (5) substitute—
 - “(5) In paragraph (4)—
 - (a) “applicable type approval” means—
 - (i) an EU whole-vehicle type approval or an EU small series type-approval, whether or not issued by the Secretary of State, or
 - (ii) a GB whole-vehicle type-approval or a GB medium series type-approval;
 - (b) a motor vehicle is associated with an applicable type approval if a certificate of conformity relating to that type approval has been issued in respect of that vehicle.”;
 - (e) in paragraph (7)—
 - (i) in the definition of “defeat system”, after paragraph (b), insert—
 - “(c) in the case of a motor vehicle to which EU Regulation (EC) 595/2009 applies—
 - (i) where the engine system or engine family meets the conditions specified in Article 6(1a) of EU Commission Regulation (EU) 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 EU Regulation (EC) 595/2009,
at the time of applying for emissions type-approval for that vehicle;
- (d) in the case of a motor vehicle to which EU Regulation (EC) 715/2007 applies—
 - (i) where, pursuant to Article 6(1) of EU Commission Regulation (EC) No 692/2008, the motor vehicle meets the requirements of EU 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 EU Regulation (EC) 715/2007,
at the time of applying for emissions type-approval for that vehicle;”;
- (ii) in the definition of “emissions type-approval”—
 - (aa) omit “EC”, the first time it occurs;
 - (bb) for “Regulation (EC) 715/2007 or Regulation (EC) 595/2009” substitute “Regulation (EC) 715/2007, EU Regulation (EC) 715/2007, Regulation (EC) 595/2009 or EU Regulation (EC) 595/2009”;
- (iii) after the definition of “emissions type-approval”, insert—
 - “EU 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⁽¹⁹⁾, as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;
 - “EU Commission Regulation (EU) 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⁽²⁰⁾, as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;
 - “EU 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⁽²¹⁾, as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;
 - “EU Regulation (EC) 715/2007” means 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⁽²²⁾,

⁽¹⁹⁾ OJ L 199, 28.7.2008, p. 1.

⁽²⁰⁾ OJ L 167, 25.6.2011, p. 1.

⁽²¹⁾ OJ L 175, 7.7.2017, p. 1.

⁽²²⁾ OJ L 171, 29.6.2007, p. 1.

as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;

“EU Regulation (EC) 595/2009” means Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and access to vehicle repair and maintenance information⁽²³⁾, as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;”;

- (iv) in the definition of “extended documentation package”, after paragraph (b), insert—
- “(c) in the case of a motor vehicle to which EU Regulation (EC) 715/2007 applies, the extended documentation package mentioned in—
 - (i) Article 5(11) of EU Commission Regulation (EC) No 692/2008; or
 - (ii) Article 5(11) of EU Commission Regulation (EU) 2017/1151;
 - (d) in the case of a motor vehicle to which EU Regulation (EC) 595/2009 applies, the extended documentation package specified in Article 5(3) of, and Section 8 of Annex 1 to, EU Commission (EC) No 582/2011;”.

Amendments to Part 3

- 14.**—(1) In the heading for Chapter 1, for “National small” substitute “Small”.
- (2) In regulation 15—
- (a) in the heading, after “applications for” insert “GB small series type-approval and UK (NI)”;
 - (b) in paragraph (1)—
 - (i) in sub-paragraph (a)—
 - (aa) before “national” insert “UK (NI)”;
 - (bb) at the end, omit “or”;
 - (ii) in sub-paragraph (b), after “approval”, the first time it occurs, insert “granted before IP completion day, or a UK (NI) national small series type-approval”;
 - (iii) after sub-paragraph (b), insert—
 - “(c) a GB small series type-approval, or
 - (d) an amendment to a GB small series type-approval which the manufacturer holds,”;
 - (c) in paragraph (4), for “EU type-approval certificates” substitute “GB type-approval certificates”.
- (3) In regulation 16—
- (a) in the heading, after “grant of” insert “GB small series type-approval and UK (NI)”;
 - (b) in paragraph (1), for sub-paragraph (a), substitute—
 - “(a) make the decision whether or not to grant—
 - (i) a GB small series type-approval or an amendment to such an approval in accordance with Article 42 of the Type Approval Regulation (type-approval of vehicles produced in small series),

- (ii) a UK (NI) national small series type-approval or an amendment to such an approval in accordance with Article 42 of the EU Type Approval Regulation, or
 - (iii) an amendment to a national small series type-approval granted prior to IP completion day in accordance with Article 42 of the Type Approval Regulation,”;
 - (c) in paragraph (3), for “a national small series type-approval” substitute “a type-approval in accordance with paragraph (1)”;
 - (d) in paragraphs (4) and (5)—
 - (i) for “national small series type approval” substitute “type-approval granted or amended in accordance with paragraph (1)”;
 - (ii) omit “other than the United Kingdom”;
 - (e) in paragraph (6), after “grant a” insert “GB small series type-approval or a UK (NI)”;
 - (f) in paragraph (7), for “a national small series type approval” substitute “a type approval granted under paragraph (1)”;
 - (g) in paragraph (9), after “Regulation” insert “or, in the case of a UK (NI) national small series type approval, the EU Type Approval Regulation,”.
- (4) In regulation 17—
 - (a) in the heading—
 - (i) after “Recognition” insert “in Northern Ireland”;
 - (ii) omit “other”;
 - (b) in paragraph (1)—
 - (i) before “Type-approval” insert “EU”;
 - (ii) after “recognition” insert “in Northern Ireland”;
 - (iii) before “small series” insert “national”;
 - (iv) omit “other than the United Kingdom”;
 - (c) in paragraphs (4) and (6), for “the United Kingdom” each time it occurs, substitute “Northern Ireland”;
 - (d) in paragraph (5)(b)—
 - (i) after “issue a” insert “UK (NI)”;
 - (ii) at the end, insert “in accordance with regulation 20(1)”.
- (5) In regulation 18—
 - (a) in paragraph (1), for “individual approval of a vehicle” substitute “a GB individual vehicle approval, a UK (NI) national individual vehicle approval or an EU individual vehicle approval”;
 - (b) in paragraph (2), for “individual approval certificate” substitute “an approval under this regulation”;
 - (c) in paragraph (3)(a)—
 - (i) after “application” insert “for a UK (NI) national individual vehicle approval”;
 - (ii) before “Type Approval” insert “EU”;
 - (d) in paragraph (4)—
 - (i) before “Type Approval” both times it appears, insert “EU”;

- (ii) in sub-paragraph (a), omit “other than the United Kingdom”;
- (e) in paragraph (7)(a)—
 - (i) for “an individual approval” substitute “a GB individual vehicle approval”;
 - (ii) at the end, omit “and”;
 - (iii) after sub-paragraph (a), insert—
 - “(aa) make the decision whether or not to grant an EU individual vehicle approval in accordance with Article 44 of the EU Type Approval Regulation;
 - (ab) make the decision whether or not to grant a UK (NI) national individual vehicle approval in accordance with Article 45 of the EU Type Approval Regulation; and”;
- (f) in paragraph (8)—
 - (i) in the opening words, for “(7)(b)” substitute “7”;
 - (ii) in sub-paragraph (a), after “Approval Regulation” insert “or the EU Type Approval Regulation”;
 - (iii) in sub-paragraph (b)—
 - (aa) for “an individual approval” substitute “a UK (NI) national individual vehicle approval”;
 - (bb) for “the United Kingdom” substitute “Northern Ireland”;
- (g) in paragraph (9), for “the United Kingdom” substitute “Northern Ireland”;
- (h) in paragraph (10), for the words after “individual approval,” substitute—

“the approval authority must issue one of the following certificates in compliance with regulation 20(1A) or (2)—

 - (a) if the application relates to Great Britain, a GB individual approval certificate;
 - (b) in the application relates to Northern Ireland—
 - (i) a UK (NI) national individual approval certificate, or
 - (ii) an EU individual approval certificate.”;
- (i) in paragraph (16)—
 - (i) in the definition of “non-UK approval”, in sub-paragraphs (a) and (c)—
 - (aa) before “Type Approval” insert “EU”;
 - (bb) omit “other than the United Kingdom”;
 - (ii) in the definition of “non-UK approval”, in sub-paragraph (b)—
 - (aa) for “or the United” substitute “or any part of the United”;
 - (bb) after “type approval” insert “or an individual vehicle approval certificate granted under Article 44 of the EU Type Approval Regulation”;
 - (iii) in the definition of “non-UK approval”, in sub-paragraph (c), omit “44 or”;
 - (iv) in the definition of “qualifying applicant”—
 - (aa) renumber paragraphs (d) to (f) as paragraphs (a) to (c);
 - (bb) for paragraph (c), as renumbered, substitute—
 - “(c) a person established—
 - (i) in Great Britain, in the case of an application for a GB individual vehicle approval, or

- (ii) in Northern Ireland or a member State, in the case of an application for a UK (NI) national individual vehicle approval or an EU individual vehicle approval, who is acting on behalf of the manufacturer or owner.”.
- (6) In regulation 19(7), in the closing words, for “individual approval” substitute “approval under regulation 18”.
- (7) In regulation 20—
 - (a) in the heading, for “national type approval of small series” substitute “UK (NI) national small series type approval, GB small series type-approval”;
 - (b) in paragraph (1)—
 - (i) for “national” substitute “UK (NI) national”;
 - (ii) after “certificate” insert “or a GB small series type-approval certificate”;
 - (iii) for the words “to the Implementing Regulation”, substitute—
 - “—
 - (a) to the Implementing Regulation, in the case of a GB small series type-approval certificate, or
 - (b) to the EU Implementing Regulation, in the case of a UK (NI) national small series type-approval certificate.”;
 - (c) after paragraph (1), insert—
 - “(1A) An EU individual vehicle approval certificate must be in the form set out in Model D of Annex III to the EU Implementing Regulation.”;
 - (d) in paragraph (2), for the words “to the Implementing Regulation”, substitute—
 - “—
 - (a) to the Implementing Regulation, in the case of a GB individual vehicle approval certificate, or
 - (b) to the EU Implementing Regulation, in the case of a UK (NI) national individual vehicle approval certificate.”;
 - (e) in paragraph (3)—
 - (i) in the opening words—
 - (aa) for “A national small series certificate of conformity” substitute “The certificate of conformity for a GB small series type-approval or a national small series type-approval granted by the Secretary of State before IP completion day”;
 - (bb) for “EU certificate of conformity” substitute “GB certificate of conformity”;
 - (ii) for sub-paragraph (a), substitute—
 - “(a) the certificate must carry the heading “Small Series Certificate of Conformity (Great Britain), or, in the case of a national small series type-approval granted by the Secretary of State before IP completion day, National Small Series Certificate of Conformity (United Kingdom)”;
 - (iii) in sub-paragraph (b)—
 - (aa) for “an EU type-approval” substitute “a GB type-approval”;
 - (bb) for “national” substitute “GB”;
 - (iv) in sub-paragraph (c)—

- (aa) for “EU type-approved” substitute “GB type-approved”;
- (bb) for “nationally” substitute “GB small series”;
- (f) after paragraph (3), insert—
 - “(3A) A UK (NI) national small series certificate of conformity must be in the same format as that prescribed by Articles 36 and 37 of the EU Type Approval Regulation and Article 8 of the EU 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 (Northern Ireland)”;
 - (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”.”;
- (g) in paragraph (4)—
 - (i) renumber the words from ““the Implementing Regulation” to the end as sub-paragraph (a);
 - (ii) after sub-paragraph (a), as so renumbered, insert—
 - “(b) “the EU 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 as it has effect in EU law and by virtue of the Northern Ireland Protocol.”.

Amendments to Part 4

- 15.—(1)** In regulation 21—
- (a) in paragraph (1)—
 - (i) in the opening words, for “21” substitute “7”;
 - (ii) in the closing words—
 - (aa) after “unless” insert “the vehicle satisfies the condition in paragraph (1A) and either”;
 - (bb) for “one of the conditions” substitute “the condition”;
 - (b) after paragraph (1), insert—
 - “(1A) The condition in this paragraph is that, if no vehicle approval issued by the Secretary of State, whether before or after IP completion day, in accordance with Article 45 of the Type Approval Regulation or the EU Type Approval Regulation has effect with respect to the vehicle, the vehicle—
 - (a) has been constructed for use in left-hand traffic, and
 - (b) uses both imperial and metric units of measurement for the speedometer.”;
 - (c) in paragraph (2), for the words after “unless” substitute—
 - “the vehicle satisfies the condition in paragraph (1A), and either—
 - (a) the condition in paragraph (3) is satisfied, or

- (b) paragraph (6) applies.”;
- (d) for paragraph (3), substitute—
 - “(3) The “condition” is that an appropriate approval or certificate of conformity has effect with respect to the vehicle.”;
- (e) in paragraph (4)—
 - (i) in the opening words, for “paragraph (5)” substitute “paragraphs (4A) and (5)”;
 - (ii) in sub-paragraph (a)(ii), after “vehicle”, insert “and the Secretary of State has permitted the registration of that vehicle in accordance with Article 49 of the Type Approval Regulation, or of the EU Type Approval Regulation”;
 - (iii) in sub-paragraph (b)(i), after “Type Approval Regulation” insert “or the EU Type Approval Regulation”;
- (f) after paragraph (4), insert—
 - “(4A) For the purposes of this Part, where a vehicle is to be kept, or normally kept, at a place in Great Britain—
 - (a) an EU certificate of conformity which is not a certificate of conformity to which paragraph (4B) applies only has effect if it is issued in relation to a vehicle which—
 - (i) is a qualifying Northern Ireland good, or
 - (ii) was in the United Kingdom before IP completion day;
 - (b) an EU individual approval certificate which is not issued by the Secretary of State only has effect if it is issued in relation to a vehicle which—
 - (i) is a qualifying Northern Ireland good, or
 - (ii) was in the United Kingdom before IP completion day.
 - (4B) This paragraph applies to—
 - (a) an EU certificate of conformity to which section 57(1ZA) or 57(1ZC) of the Road Traffic Act 1988(24) applies, and
 - (b) an EU certificate of conformity issued pursuant to an EU type-approval granted by the Secretary of State.”;
- (g) in paragraph (5)—
 - (i) for sub-paragraph (a), substitute—
 - “(a) the vehicle to which it relates—
 - (i) was first put into service in a member State, and
 - (ii) if it is to be kept or normally kept at a place in Great Britain, it was first registered outside the United Kingdom before IP completion day.”;
- (h) in paragraph (7)—
 - (i) for “a national small series type-approval” substitute “a GB small series type-approval”;
 - (ii) after “regulation 16”, insert “, where the vehicle is to be kept or normally kept in Great Britain”;
 - (iii) in the words after sub-paragraph (d), for “United Kingdom” substitute “Great Britain”;

- (i) after paragraph (7), insert—

“(7A) In relation to a vehicle of a type to which a national small series type-approval or a UK (NI) 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.”;

- (j) in paragraph (8), after “United Kingdom” insert “or Great Britain, as the case may be,”
- (k) in paragraph (9)—

- (i) before the definition of “appropriate date”, insert—

““appropriate approval or certificate of conformity” means any of the following which is appropriate to the vehicle—

- (a) where the vehicle is to be kept, or normally kept, at a place in Great Britain—
 - (i) a certificate of conformity issued under regulation 16(7) relating to—
 - (aa) a GB small series type approval,
 - (bb) a UK (NI) national small series type approval; or
 - (cc) a national small series type approval issued by the Secretary of State before IP completion day,
 - (ii) an individual vehicle approval certificate issued under regulation 18(10) of these Regulations, whether that approval—
 - (aa) is an individual vehicle approval issued by the Secretary of State before IP completion day, or
 - (bb) is a GB individual vehicle approval or a UK (NI) national individual vehicle approval,
 - (iii) an EU individual vehicle approval,
 - (iv) a GB certificate of conformity issued in relation to a GB whole-vehicle type-approval, or a GB medium series type-approval,
 - (v) an EU certificate of conformity issued in relation to an EU type-approval, including a UK (NI) type approval, granted by the Secretary of State under the Motor Vehicles (EC Type Approval) Regulations 1998(25), the Road Vehicles (Approval) Regulations 2009(26) or under these Regulations,
 - (vi) an EU certificate of conformity issued in relation to an EU type-approval granted by a member State under the EU Type Approval Regulation, Council Directive 70/156/EEC of 6th February 1970 on the approximation of the laws of the member States relating

(25) S.I. 1998/2051.

(26) S.I. 2009/818.

- to the type-approval of motor vehicles and their trailers⁽²⁷⁾, or [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 as either of those directives were implemented in the law of that member State⁽²⁸⁾, or
- (vii) a certificate of conformity issued under section 57 of the Road Traffic Act 1988⁽²⁹⁾; or
- (b) where the vehicle is to be kept, or normally kept, at a place in Northern Ireland, a certificate or approval referred to in sub-paragraph (a)(i)(bb) or (cc), (ii) (except for a GB individual vehicle approval), (iii), (v), or (vi);”;
- (ii) for the definition of “appropriate date”, substitute—
- ““appropriate date” means, as the case may be—
- (a) in the case of a certificate of conformity issued under section 57(1) of the Road Traffic Act 1988 in respect of a vehicle of a type which has been approved under section 55(1A) or 55(1D) of that Act, the date of issue of that certificate of conformity or the date of issue of that type-approval (whichever date is later), or
- (b) in any other case, the date of application under section 7 or 21 of the 1994 Act for the registration of, or the issue of a first licence for a vehicle;”;
- (iii) omit the definition of “EU certificate of conformity”;
- (iv) for the definition of “maximum permitted number”, substitute—
- ““maximum permitted number” means—
- (a) for the purposes of paragraph (7), 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, and
- (b) for the purposes of paragraph (7A), the number of units specified in the table in paragraph 2 of Section A of Annex V to the EU Type Approval Regulation in relation to the vehicle category to which that type belongs;”.
- (2) In regulation 23—
- (a) in paragraph (8), for the definition of “appropriate approval or certificate of conformity”, substitute—
- ““appropriate approval or certificate of conformity” means any of the following which is appropriate to the vehicle—
- (a) where the trailer is to be kept, or normally kept at a place in Great Britain—
- (i) a certificate of conformity issued under regulation 16(7) relating to—
- (aa) a GB small series type-approval,
- (bb) a UK (NI) national small series type-approval, or
- (cc) a national small series type approval issued by the Secretary of State before IP completion day,

⁽²⁷⁾ OJ L 42, 23.2.1970, p. 1.

⁽²⁸⁾ OJ L 263, 9.10.2007, p. 1.

⁽²⁹⁾ 1988 c. 52.

- (ii) an individual vehicle approval issued under regulation 18(10) of these Regulations, whether that approval—
 - (aa) is an individual vehicle approval issued by the Secretary of State before IP completion day, or
 - (bb) is a GB individual vehicle approval or a UK (NI) national individual vehicle approval,
 - (iii) a GB certificate of conformity issued in relation to a GB type-approval,
 - (iv) an EU certificate of conformity issued in relation to an EU type-approval, including a UK (NI) type approval, granted by the Secretary of State under the Motor Vehicles (EC Type Approval) Regulations 1998, the Road Vehicles (Approval) Regulations 2009 or under these Regulations,
 - (v) an EU certificate of conformity issued in relation to an EU type-approval granted by a member State under the EU Type Approval Regulation or [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 as that directive was implemented in the law of that member State, provided that the trailer to which the approval relates—
 - (aa) was in the United Kingdom before 1st January 2023, or
 - (bb) is a qualifying Northern Ireland good, or
 - (vi) a certificate of conformity issued under section 57 of the Road Traffic Act 1988, or
 - (b) where the trailer is to be kept or normally kept in Northern Ireland—
 - (i) a certificate referred to in sub-paragraph (a)(i)(bb) or (cc), (ii) (except for a GB individual vehicle approval), or (iv), or
 - (ii) an EU certificate of conformity issued in relation to an EU type-approval granted by a member State under the EU Type Approval Regulation or [Directive 2007/46/EC](#) as implemented in the law of that member State.”.
- (3) In regulation 26(1), in the definition of “principal information”, after sub-paragraph (g), insert—
- “(h) whether the trailer is to be kept, or normally kept, at a place in Great Britain, in Northern Ireland, or in either jurisdiction;”.
- (4) In regulation 27—
- (a) in the heading, at the end insert “(Great Britain)”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (5) After regulation 27, insert—

“End-of-Series vehicles: limits (Northern Ireland)

27A. For the purposes of Part B of Annex V of the EU Type Approval Regulation, the maximum number of complete vehicles and completed vehicles entered into service in Northern Ireland is restricted in accordance with paragraph 2 of that Part.”.

- (6) In regulation 28, after “Approval Regulation” insert “or the EU Type Approval Regulation”.

Amendments to Part 5

16. In regulation 29(2), for “and the Type Approval Regulation”, substitute “, the Type Approval Regulation and the EU Type Approval Regulation”.

Insertion of Schedule A1

17. Before Schedule 1, insert—

“SCHEDULE A1

Regulation 6A

Reusability, recycling and recovery

Exemptions

1. Without prejudice to the application of the provisions of paragraph 6, this Schedule does not apply to—

- (a) special purpose vehicles as defined in part A, point 5, of Annex I to the Type Approval Regulation;
- (b) multi-stage built vehicles belonging to category N1, provided that the base vehicle complies with this Schedule;
- (c) vehicles produced in medium or small series, referred to in Articles 41 and 42 of the Type Approval Regulation.

Definitions

2.—(1) Terms used in this Schedule and in the Annexes to UNECE Regulation 133 have the definitions given in paragraph 2 of UNECE Regulation 133 unless otherwise stated.

(2) In this Schedule—

“base vehicle” means a vehicle as defined in Article 3(24) of the Type Approval Regulation, which is used at the starting stage of a multi-stage construction;

“competent body” has the meaning given in sub-paragraph (3);

“end-of-life vehicle” means a vehicle as defined in regulation 2 of the End-of-Life Vehicles Regulations 2003(30);

“mass” means the mass of the vehicle in running order as defined in Article 2 of [Commission Regulation \(EU\) No 1230/2012](#) of 12 December 2012 implementing Regulation (EC) No 661/2009 with regard to type-approval requirements for masses and dimensions of motor vehicles and their trailers(31), but excluding the driver, whose mass is assessed at 75 kg;

“multi-stage construction” means the process by which a vehicle is produced in several stages by adding component parts to a base vehicle or by modifying those component parts;

“the Directive” means [Directive 2000/53/EC](#) of the European Parliament and of the Council on end-of-life vehicles(32), as last amended by Commission Delegated Directive (EU) 2020/363(33);

(30) [S.I. 2003/2635](#), amended by [S.I. 2019/188](#). There are other amendments to these Regulations which are not relevant for this instrument.

(31) EUR 2012/1230.

(32) OJ L 268, 21.10.2000, p. 34.

(33) OJ L 67, 5.3.2020, p. 119.

“UNECE Regulation 133” means UNECE Regulation 133.00⁽³⁴⁾, with the modifications set out in paragraph 6;

“vehicle type” means the type of a vehicle as defined in Part B, points 1 and 3, of Annex I to the Type Approval Regulation.

(3) In this Schedule, “competent body” means an entity, such as a technical service or another body that complies with the competency criteria specified in paragraph 2.1 of Annex 5 to UNECE Regulation 133, authorised by the Secretary of State for the purposes of this Schedule to carry out preliminary assessment of the manufacturer and to issue a certificate of compliance, in accordance with the prescriptions of this Schedule.

(4) The approval authority may act as the competent body under sub-paragraph (3), provided its competence in this field is demonstrated in accordance with Chapter XV of the Type Approval Regulation.

Type-approval provisions

3.—(1) The approval authority may only grant a GB type-approval, with regard to reusability, recyclability and recoverability, to such vehicle types that satisfy the requirements of this Schedule.

(2) For the application of sub-paragraph (1), the manufacturer shall make available to the approval authority the detailed technical information necessary for the purposes of the calculations and checks referred to in Annex 1 to UNECE Regulation 133, relating to the nature of the materials used in the construction of the vehicle and its component parts.

(3) In cases where such information is shown to be covered by intellectual property rights or to constitute specific know-how of the manufacturer (“M”) or of M’s suppliers, M or M’s suppliers must supply sufficient information to enable those calculations to be made properly.

(4) With regard to reusability, recyclability and recoverability, the approval authority must ensure, subject to sub-paragraph (5), that the manufacturer uses the model of the information document set out in Annex 2 to UNECE Regulation 133, when submitting an application for GB vehicle type-approval, pursuant to Article 23 of the Type Approval Regulation.

(5) In the case of applications for GB type-approval made on or before 31 July 2026, the numbered entries in the model information document referred to in sub-paragraph (4) (“the specified model”) may be replaced by corresponding entries with a different numbering taken from Annex II to Directive 2005/64 of the European Parliament and of the Council of 26 October 2005 on the type approval of motor vehicles with regard to their reusability, recyclability and recoverability⁽³⁵⁾ or Annex I to Regulation (EU) 2020/683, as that Regulation has effect in EU law, provided that all the information in the specified model is provided.

(6) When granting a GB type-approval pursuant to Article 26 of the Type Approval Regulation, the approval authority must use the model of the GB type-approval certificate set out in Annex 3 to UNECE Regulation 133.

Assessment of the manufacturer

4.—(1) The approval authority must not grant a GB type approval without first ensuring that the manufacturer has put in place satisfactory arrangements and procedures, in accordance with point 3 of Annex 5 to UNECE Regulation 133, to manage properly the reusability, recyclability and recoverability aspects covered by this Schedule.

⁽³⁴⁾ A copy of UNECE Regulation 133.00 is available at <https://unece.org/fileadmin/DAM/trans/main/wp29/wp29regs/2015/R133e.pdf>. A hard copy may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

⁽³⁵⁾ OJ L 310, 25.11.2005, p. 10.

(2) When this preliminary assessment has been carried out, a certificate named “Certificate of Compliance with Annex 5” (the “certificate of compliance”) must be granted to the manufacturer.

(3) For the purposes of sub-paragraph (1), the approval authority must ensure that the materials used for the construction of a vehicle type comply with the provisions of Article 4(2)(a) of the Directive, taking into account the exemptions set out in Annex II to the Directive, and for this purpose, references in the table in Annex II to vehicles type-approved before a stated date are to be read as referred to vehicles which have received EU type-approval pursuant to Directive 2005/64 before the stated date.

(4) For the purpose of sub-paragraph (1), the manufacturer must recommend a strategy to ensure the dismantling, recycling and recovery of materials used in the vehicle type, and the reuse of any component parts.

(5) The strategy must take into account the technologies available or in development at the time of the application for a GB whole-vehicle type-approval.

(6) The Secretary of State must appoint a competent body, in accordance with point 2 of Annex 5 to UNECE Regulation 133, to carry out the any assessment of the manufacturer required by this paragraph and to issue the certificate of compliance.

(7) The certificate of compliance must include the appropriate documentation and describe the strategy recommended by the manufacturer.

(8) The competent body must use the model set out in the Appendix to Annex 5 to UNECE Regulation 133 for the certificate of compliance.

(9) A certificate of compliance issued under this paragraph, including a new certificate of compliance issued pursuant to sub-paragraphs (12) or (13), must remain valid for two years from the date of issue to the manufacturer.

(10) The manufacturer must inform the competent body immediately in the event of any significant changes which are relevant to the competent body’s decision to issue a certificate of compliance under this paragraph.

(11) After receiving that notification, and after consulting the manufacturer, the competent body must carry out a further assessment where it is no longer satisfied that the manufacturer complies with the requirements of this Schedule.

(12) Following any assessment conducted pursuant to sub-paragraph (11), the competent body must cancel the existing certificate of compliance and may only issue a new certificate of compliance if it is satisfied that the manufacturer continues to comply with the requirements of this Schedule.

(13) At the end of the period of validity of the certificate of compliance, the competent body must not issue a new certificate of compliance unless it is satisfied the manufacturer continues to comply with the requirements of this Schedule, and for this purpose, the competent body may decide to carry out a further assessment of the manufacturer in accordance with this paragraph.

(14) Where the certificate of compliance is no longer valid or has been cancelled in accordance with this paragraph, and no new certificate of compliance has been issued under sub-paragraph (12) or (13), the competent body must inform the approval authority of this fact.

(15) The approval authority must cancel any GB type-approval issued in accordance with this Schedule where the certificate of compliance is no longer valid or has been cancelled in accordance with sub-paragraph (12) and no new certificate of compliance has been issued under sub-paragraph (12) or (13).

Reuse of component parts

5. The component parts listed in Annex 6 to UNECE Regulation 133 must—

- (a) be deemed to be non-reusable for the purposes of calculating the recyclability and recoverability rates;
- (b) not be reused in the construction of vehicles falling within the scope of the Type Approval Regulation by virtue of Article 2 of that Regulation.

Modifications of UNECE Regulation 133

6.—(1) For the purposes of this Schedule, UNECE Regulation 133 is to be read with the following modifications.

(2) In Annex 1, in paragraph 8, as if the reference to “paragraph 6.3 of this Regulation” were to “paragraph 4.2 of this Schedule”.

(3) In Annex 3, as if—

- (a) in the heading, the reference to “Communication” were to “Communication: GB type-approval”;
- (b) the image below the heading were omitted;
- (c) explanatory note 1 were omitted.

(4) In Annex 5, as if—

- (a) in the certificate heading, the reference to “ANNEX 5 TO REGULATION No 133.”, were to “PARAGRAPH 4(1) OF SCHEDULE A1 TO THE ROAD VEHICLES (APPROVAL) REGULATIONS 2020”;
- (b) the reference in the certificate to “complies with the provisions of Annex 5 to Regulation No.133” were to “complies with the provisions of paragraph 4(1) of Schedule A1 to the Road Vehicles (Approval) Regulations 2020”.

Amendments to Schedule 1

18. In Schedule 1—

- (a) in paragraph 1—
 - (i) in the definition of “approval”, in paragraph (a), for “other” substitute “a”;
 - (ii) in the definition of “certificate of conformity” for “other” substitute “a”;
 - (iii) in the definition of “test report” after “Regulation”, insert “or, in the case of a UK (NI) national small series type-approval, the EU Type Approval Regulation”;
- (b) in paragraph 3, after “Decision”, the second time it occurs. insert “as it has effect in EU law”.

Amendments to Schedule 2

19. In Schedule 2—

- (a) in paragraph 4(3), at the end insert “as that Directive, Regulation or Decision has effect in EU law”;
- (b) in the table in Part 4, in row 50, in the second column, after “are appropriately “e” / “E”” insert “or “g” / “n””.

Amendments to Schedule 4

20. In Schedule 4, paragraph 1—

- (a) for subparagraph (2), substitute—

- “(2) The specified conditions are that—
- (a) where the trailer is to be kept or normally kept at a place in Great Britain, one of the following has effect with respect to the trailer—
 - (i) a certificate of conformity issued under regulation 16(7) relating to—
 - (aa) a GB small series type-approval,
 - (bb) a UK (NI) national small series type-approval, or
 - (cc) a national small series type-approval issued by the Secretary of State before IP completion,
 - (ii) an individual vehicle approval issued under regulation 27(10) of the Road Vehicle (Approval) Regulations 2009 or regulation 18(10) of these Regulations, whether that approval—
 - (aa) is an individual vehicle approval issued by the Secretary of State before IP completion day, or
 - (bb) is a GB individual vehicle approval or a UK (NI) national individual vehicle approval,
 - (iii) a GB certificate of conformity issued in relation to a GB type-approval,
 - (iv) an EU certificate of conformity issued in relation to an EU type-approval granted by the Secretary of State under the Road Vehicles (Approval) Regulations 2009 or under these Regulations,
 - (v) an EU certificate of conformity issued in relation to an EU type-approval granted by a member State under the EU Type Approval Regulation or [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 as implemented in the law of that member State, provided that the trailer to which the approval relates—
 - (aa) was in the United Kingdom before 1st January 2023, or
 - (bb) is a qualifying Northern Ireland good, or
 - (vi) a certificate of conformity issued under section 57 of the Road Traffic Act 1988(36), or
 - (b) where the trailer is to be kept, or normally kept at a place in Northern Ireland, one of the following has effect with respect to the trailer—
 - (i) a certificate referred to in sub-paragraph (a)(i)(bb) or (cc), (ii) (except for a GB individual vehicle approval), or (iv), or
 - (ii) an EU certificate of conformity issued in relation to an EU type-approval granted by a member State under the EU Type Approval Regulation or [Directive 2007/46/EC](#) as implemented in the law of that member State.”;
 - (b) in sub-paragraph (5)(a) and (b), after “Regulation” insert “, the EU Type Approval Regulation”;
 - (c) after sub-paragraph (5), insert—

“(5A) It is a defence for a person charged with an offence under sub-paragraph (1), to show that, at the time when the trailer was supplied—

- (a) if the condition in sub-paragraph (2)(a) is not satisfied, there was reasonable cause to believe that the trailer would not be kept, or normally kept, at a place in Great Britain, or
- (b) if the condition in sub-paragraph (2)(b) is not satisfied, there was reasonable cause to believe that the trailer would not be kept, or normally kept, at a place in Northern Ireland.

(5B) It is a defence for a person charged with an offence under sub-paragraph (3), to show that, at the time when the trailer was supplied or used, as the case may be, a goods vehicle test certificate issued under the following Regulations was in force in relation to the trailer—

- (a) the Goods Vehicle (Plating and Testing) Regulations 1988⁽³⁷⁾, in the case of a trailer being used in Great Britain without a relevant consent, or
- (b) the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003⁽³⁸⁾, in the case of a trailer being used in Northern Ireland without a relevant consent.”;
- (d) in sub-paragraph (9), in the definition of “statutory inspection or test”, after sub-paragraph (a), insert—
 - “(ab) the EU Type Approval Regulation.”.

Amendments to Schedule 5

21. In Schedule 5—

- (a) in paragraphs 3 to 8, at the end of each paragraph insert “both as it has effect in domestic law, and as it has effect by virtue of the Northern Ireland Protocol”;
- (b) after paragraph 8, insert—

“**9.** Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending [Directive 2007/46/EC](#) but only so far as that Regulation has effect by virtue of the Northern Ireland Protocol⁽³⁹⁾.”

10. Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicles occupants and vulnerable road users but only so far as that Regulation has effect by virtue of the Northern Ireland Protocol.”

⁽³⁷⁾ S.I. 1988/1478.

⁽³⁸⁾ S.R. 2003 No. 304.

⁽³⁹⁾ OJ L 123, 19.5.2015, p. 77.