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STATUTORY INSTRUMENTS

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**2022 No. 1273**

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

**PART 2**

Amendments to primary legislation

**Amendments to the Road Traffic Act 1988**

5.—(1) The Road Traffic Act 1988 is amended as follows.

(2) In section 55 (type approval certificates)—

(a) after subsection (1), insert—

“(1D) Where the Secretary of State is satisfied on an application made to the Secretary of State by the manufacturer of a vehicle of a class to which relevant regulations apply—

- (a) that the manufacturer holds in respect of that vehicle a valid relevant European approval, and
- (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle 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 Secretary of State may approve that vehicle as a type vehicle.

(1E) The Secretary of State may exercise the power under paragraph (1D) in relation to a vehicle—

- (a) in the case of a vehicle other than a trailer to which the road vehicles type approval Regulation applies, only where the application is received on or before 31 January 2024;
- (b) in the case of a trailer, or any vehicle part to which the road vehicles type approval Regulation applies, only where the application is received on or before 31 January 2025;
- (c) in the case of a vehicle or vehicle part to which the motorcycle type approval Regulation or the tractor type approval Regulation applies, only where the application is received on or before 31 December 2027.

(1F) The Secretary of State may approve an application under subsection (1D) where the application was made before subsection (1D) comes into force.

(1G) For the purposes of subsection (1D)—

“relevant European approval” means—

- (a) an EC type-approval certificate, as defined in Article 3(34) of the road vehicles type approval Directive (as it had effect immediately before its repeal),

- (b) an EU type-approval certificate, as referred to in Article 28 of the road vehicles type approval Regulation,
  - (c) an EU type-approval certificate, as defined in Article 3(32) of the tractor type-approval Regulation, or
  - (d) an EU type-approval certificate, as defined in Article 3(5) of the motorcycle type approval Regulation,
- whether issued before IP completion day or, in accordance with that legislation as it has effect in EU law, on or after IP completion day;
- “relevant regulations” means—
- (a) regulations made under section 54 of this Act, or
  - (b) regulations made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, or of parts of vehicles, or in relation to any vehicle type-approval scheme.”;
- (b) in subsection (2), after “relevant type approval requirements”, insert “or (as the case may be) the relevant European type approval requirements,”;
  - (c) after subsection (2), insert—
    - “(2A) If a type approval certificate is issued for a vehicle following approval under subsection (1D), the certificate is valid for a period of two years beginning with the date on which it is issued (unless it is cancelled or suspended under section 56).”;
  - (d) for subsection (4), substitute—
    - “(4) Subject to subsection (6) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that—
      - (a) one or more, but not all, of the relevant type approval requirements, or
      - (b) one or more, but not all, of the relevant European type approval requirements, are complied with in the case of that vehicle.”;
  - (e) after subsection (8), insert—
    - “(9) In this section, “European type-approval requirements” means requirements prescribed in—
      - (a) regulations made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, or of parts of vehicles, or in relation to any vehicle type approval scheme,
      - (b) the road vehicles type approval Regulation,
      - (c) the tractor type approval Regulation, or
      - (d) the motorcycle type approval Regulation.”.
- (3) In section 57 (certificates of conformity)(1)—
- (a) after subsection (1), insert—
    - “(1ZC) If a manufacturer has a type approval certificate issued by the Secretary of State following approval under section 55(1A) or 55(1D), a relevant European certificate of conformity issued by the manufacturer in respect of each vehicle that conforms to the type vehicle in question is to be treated as a certificate issued under subsection (1).
    - (1ZD) In subsection (1ZC) “relevant European certificate of conformity” means—

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(1) Section 57 was amended by s. 17(1)(a) of the Transport Act 1982 and [S.I. 1992/3107](#).

- (a) a certificate of conformity issued before IP completion day by a manufacturer under any provision of the law of a member State other than the United Kingdom giving effect to Article 18 of the road vehicles type approval Directive,
  - (b) a certificate of conformity issued before IP completion day under Article 36 of the road vehicles type approval Regulation,
  - (c) a certificate of conformity issued before IP completion day under Article 33 of the tractor type approval Regulation, or
  - (d) a certificate of conformity issued before IP completion day under Article 38 of the motorcycle type approval Regulation, or
  - (e) a certificate of conformity issued on or after IP completion day under that law, Article 36, Article 33 or Article 38 as it has effect at that time.”;
- (b) for subsection (1A), substitute—
- “(1A) In this Part of this Act, “certificate of conformity” means a certificate issued under subsection (1) above, except—
- (a) in the expression “EU certificate of conformity”;
  - (b) in the definition of that expression in section 85 of this Act;
  - (c) in the expression “relevant European certificate of conformity”; and
  - (d) in the definition of that expression in subsection (1ZD).”
- (4) In sections 63(1A), 65(1A) and 66(4A) for “EC certificate of conformity” substitute “EU certificate of conformity”.
- (5) In section 85(1) (interpretation of Part II)—
- (a) omit the definition of “EC certificate of conformity”;
  - (b) after the definition of “EEA State”, insert—

““EU certificate of conformity” means a certificate of conformity issued by a manufacturer under Article 38 of the motorcycle type approval Regulation, or under Article 38 of that Regulation as it has effect in EU law;”;
  - (c) omit the definitions of “light passenger vehicle” and “the light passenger vehicle type approval Directive”.
- (6) In section 86 (index to Part II)—
- (a) for “EC certificate of conformity” substitute “EU certificate of conformity”;
  - (b) omit the entries for “light passenger vehicle” and “light passenger vehicle type approval Directive”.