
STATUTORY INSTRUMENTS

2022 No. 1273

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

PART 4

EU Regulations

CHAPTER 2

Other EU Regulations

Regulation (EC) No 79/2009

52.—(1) Regulation (EC) No 79/2009 is amended as follows.

(2) In Article 2(1) (scope), for “Section A of Annex II to Directive 2007/46/EC”, substitute “Article 4 of Regulation (EU) 2018/858”.

(3) In Article 4 (obligations of manufacturers)—

(a) in paragraph (1)—

(i) for “within the Community”, both times it occurs, substitute “with Great Britain”;

(ii) for “and its implementing measures” substitute “and Commission Regulation (EU) No 406/2010⁽¹⁾”;

(b) in paragraphs (2) and (3), for “and its implementing measures” substitute “and Commission Regulation (EU) 406/2010”;

(c) in paragraph (4), for “authorities” substitute “authority”.

(4) In Article 11 (timetable for application)—

(a) in paragraph 1—

(i) for “national authorities” substitute “the approval authority”;

(ii) for “EC type-approval”, both times it occurs, substitute “GB type-approval”;

(iii) for “its implementing measures”, both times it occurs, substitute “Commission Regulation (EU) No 406/2010”;

(iv) in subparagraph (a), omit “or national type-approval”;

(b) in paragraph 2—

(i) for “national authorities”, substitute “the Secretary of State”;

(ii) for “Article 26 of Directive 2007/46/EC” substitute “Article 48 of Regulation (EU) 2018/858”;

(1) EUR 2010/406.

- (iii) for “its implementing measures”, both times it occurs, substitute “[Commission Regulation \(EU\) No 406/2010](#)”;
- (c) in paragraph 3—
 - (i) for “national authorities” substitute “the Secretary of State”;
 - (ii) for “EC type-approval” both times it occurs, substitute “GB type-approval”;
 - (iii) for “its implementing measures”, both times it occurs, substitute “[Commission Regulation \(EU\) No 406/2010](#)”;
 - (iv) in subparagraph (a), omit “or national type-approval”.
- (5) In Article 12 (delegated powers)—
 - (a) in the opening words, for “The Commission is empowered to adopt delegated acts in accordance with Article 12a in order to” substitute “The Secretary of State may by regulations”;
 - (b) in point (e), omit “EC”.
- (6) For Article 12a (exercise of the delegation), substitute—

“Article 12a
Regulations

 1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
 2. Such regulations may—
 - (a) make incidental, supplemental, consequential or transitional provision, and
 - (b) make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas.
 3. Regulations to which paragraph 4 applies may not be made unless the Secretary of State has consulted with such representative organisations as the Secretary of State thinks fit.
 4. This paragraph applies to regulations made under Article 12, except those made under paragraphs (a), (b) and (f) of that Article.
 5. A statutory instrument containing regulations made under this Article is subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (7) Omit Article 15 (penalties for non-compliance).
- (8) After Article 16 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.