

2008 No. 000

ROAD TRAFFIC

The Road Vehicles (Approval) Regulations 2008

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The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(a).

The Secretary of State for Transport is a Minister designated^(b) for the purposes of section 2(2) of that Act for the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme.

PART 1

PRELIMINARY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Road Vehicles (Approval) Regulations 2008 and come into force on [29th April] 2009.

(2) These Regulations extend to Northern Ireland.

Revocation

2. The instruments listed in Schedule 1 are revoked to the extent specified in column (3) of that Schedule.

Interpretation: general

3.—(1) In these Regulations—

“1981 Order” means the Road Traffic (Northern Ireland) Order 1981^(c);

“1988 Act” means the Road Traffic Act 1988^(d);

“1994 Act” means the Vehicle Excise and Registration Act 1994^(e);

“1998 Regulations” means the Motor Vehicles (EC Type Approval) Regulations 1998^(f);

“approval authority” means the Secretary of State;

“EC certificate of conformity”, except where otherwise provided, has the same meaning as “certificate of conformity” in article 3(36) of the Framework Directive;

(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1).

(b) S.I. 1972/1811.

(c) S.I. 1981/154 (N.I.1).

(d) 1988 c.52.

(e) 1994 c.22.

(f) S.I.1998/2051.

“EC type approval”, except where otherwise provided, means—

- (a) type approval for a vehicle pursuant to article 9 or 22 of the Framework Directive, including any amendments to that approval (“EC vehicle type approval”), or
- (b) type approval for a system, component or separate technical unit pursuant to article 10 of the Framework Directive, including any amendments to that approval (“EC system, component or separate technical unit type approval”);

“EC type approval (small series)” means EC vehicle type approval pursuant to article 22 of the Framework Directive (vehicles to be registered, sold or put into service in any year within the quantitative limits set out in Section 1 of Part A of Annex XII);

“final supplier”, in relation to a trailer, means the person who supplies the trailer to the end-user;

“Framework Directive” means Council Directive 2007/46/EC 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(a);

“individual approval” means the process of certification that a particular vehicle, whether unique or not, satisfies the relevant administrative and technical requirements prescribed by these Regulations;

“individual approval certificate” means a certificate issued under regulation 27(10);

“manufacturer” has the meaning given by article 3(27) of the Framework Directive, as read with article 5, and includes a manufacturer’s representative;

“national small series type approval” means type approval for vehicles to be registered, sold or put into service in any year within the quantitative limits specified in Section 2 of Part A of Annex XII to the Framework Directive;

“national small series certificate of conformity” means a certificate issued under regulation 25(7);

“regulatory act” means, subject to paragraph (3), any—

- (a) Directive or Regulation listed in the table in, and the Appendix to, Part I of Annex IV to the Framework Directive;
- (b) UNECE Regulation listed in the table in Part II of Annex IV to the Framework Directive,
- (c) Directive or Regulation listed in a table in Annex XI to the Framework Directive, and
- (d) [*Directive or Regulation listed in Schedule 2*].

“road” has the meaning given—

- (a) as respects Great Britain, in section 192(1) of the 1988 Act(b), and
- (b) as respects Northern Ireland, in article 2(2) of the 1981 Order;

“supply”, in relation to a trailer, includes—

- (a) sale,
- (b) offer to sell or to supply, and
- (c) exposure for sale;

“type approval” means the process of certification that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative and technical requirements imposed by, or pursuant to, the Framework Directive;

(2) The following expressions have the same meaning in these Regulations as in the Framework Directive—

“component”,

(a) OJ No L263, 9.10.2007, p.1. The Directive was amended by [...]

(b) The relevant amendment is by the Road Traffic Act 1991, Schedule 4, paragraph 78.

“EC type approval certificate”,
“separate technical unit”, and
“system”.

(3) Any reference in these Regulations, however phrased, to a requirement imposed under a regulatory act—

- (a) in the case of a UNECE Regulation listed in the table in Part II of Annex IV to the Framework Directive, is a reference to a requirement imposed by that Regulation including the amendments specified in relation to it in the third column of that table,
- (b) is to be construed in accordance with any explanation or qualification of the act or its requirements contained in Annex IV or XI to the Framework Directive, and
- (c) is not to be construed as imposing a requirement contained in a provision of the act for which the time for implementation has not passed.

Interpretation of expressions relating to vehicles

4.—(1) In these Regulations, the following expressions relating to vehicles have the following meanings—

“ambulance” has the same meaning as in paragraph 5.3 of Part A of Annex II to the Framework Directive;

“complete vehicle”, “completed vehicle” and “incomplete vehicle” have the meanings given in Article 3 of the Framework Directive;

“converter dolly” means a trailer which is—

- (a) equipped with two or more wheels,
- (b) 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) not in itself part of the semi-trailer or the drawing vehicle when being so used;

“large trailer” means a vehicle constructed or adapted for the carriage of goods and which is—

- (a) a semi-trailer of any weight,
- (b) a converter dolly of any weight, or
- (c) a trailer other than a semi trailer or converter dolly the unladen weight of which exceeds 1020 kilogrammes

and which is not a vehicle of a description listed in Schedule 2 to the Goods Vehicles (Plating and Testing) Regulations 1988^(a) or Schedule 2 to the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003^(b);

“mobile machinery” means any self-propelled vehicle which is designed and constructed specifically to perform work, which, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods (but does not include machinery mounted on a motor vehicle chassis);

“motor caravan” has the same meaning as in paragraph 5.1 of Part A of Annex II to the Framework Directive;

“motor vehicle” means any power-driven vehicle which—

- (a) is moved by its own means,
- (b) has at least four wheels,
- (c) has a maximum design speed exceeding 25 kilometres per hour;
- (d) is an incomplete, complete or completed vehicle;

^(a) S.I. 1988/1478. The relevant amendments are by S.I. 1990/448, 1991/252, 1995/1456, 2001/307, 2002/487 and 2005/2343.
^(b) S.R. 2003 No. 304.

“prescribed fee” means the fee (if any) prescribed under the [*Road Vehicles (Approvals) (Fees) Regulations 2008*];

“relevant vehicle”, in any regulation, means—

- (a) a vehicle to which these Regulations apply, or
- (b) where a part only of these Regulations applies, a vehicle to which that regulation applies;

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

“special purpose vehicle” means a vehicle intended to perform a function which requires special body arrangements or equipment or both such arrangements or equipment (and includes a wheelchair accessible vehicle as defined in Part 1 of Schedule 5);

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

“trailer” means a non-self-propelled vehicle on wheels which is designed and constructed to be towed by a motor vehicle; and

“vehicle” means a motor vehicle or a trailer.

(2) In these Regulations expressions relating to vehicle categories are to be construed in accordance with Annex II to the Framework Directive.

Scope of the Regulations

5.—(1) These Regulations apply to—

- (a) vehicles designed and constructed in one or more stages for use on a road,
- (b) systems, components and separate technical units designed and constructed for those vehicles, and
- (c) parts and equipment intended for those vehicles,

but subject to paragraphs (2) to (7).

(2) These Regulations do not apply to—

- (a) agricultural or forestry tractors, as defined in Directive 2003/37/EC of the European Parliament and Council^(a), and trailers designed and constructed specifically to be towed by them;
- (b) quadricycles as defined in Directive 2002/24/EC of the European Parliament and Council^(b);
- (c) tracked vehicles;
- (d) old vehicles.

(3) Where paragraph (4) applies, all regulations except regulations 6 to 11 apply to the following vehicles to the extent that they fall within the requirements of the Framework Directive—

- (a) vehicles designed and constructed for use principally on construction sites or in quarries, port or airport facilities;
- (b) vehicles designed and constructed for use by the armed services, a fire and rescue authority, a person or body responsible for civil defence or the forces responsible for maintaining public order; and
- (c) mobile machinery.

(4) This paragraph applies where—

- (a) a manufacturer makes an application under regulation 12, 24 or 27 in respect of an individual vehicle or type of vehicle described in paragraph (3), and

^(a) OJ No L171, 9.7.2002, p.1.

^(b) OJ No L124, 9.5.2002, p.1.

- (b) where the application is made under regulation 27, at the date of that application—
 - (i) the vehicle has not been registered under the 1994 Act, or
 - (ii) where the vehicle is not so registerable, no EC certificate of conformity or national small series certificate of conformity has effect with respect to the vehicle and it has not been put into service on the road.
- (5) Where paragraph (6) applies, these Regulations apply—
 - (a) with the exception of regulations 7 to 26, 28(1) and (3) and 29 to 32, to vehicles intended exclusively for racing on roads;
 - (b) with the exception of regulations 6 to 25 and 29 to 31, to prototypes of vehicles which have been specially designed and constructed for use on the road under the responsibility of a manufacturer for the purpose of performing a specific test programme.
- (6) This paragraph applies where—
 - (a) the manufacturer makes an application under regulation 27 in respect of a vehicle described in paragraph (5), and
 - (b) at the date of that application—
 - (i) the vehicle has not been registered under the 1994 Act, or
 - (ii) where the vehicle is not so registerable, no EC certificate of conformity or national small series certificate of conformity has effect with respect to the vehicle and it has not been put into service on a road.
- (7) On the date these Regulations come into force—
 - (a) paragraphs (1), (3), (4), (5) and (6) have effect with respect to vehicles in category M₁ other than ambulances and motor caravans, and
 - (b) Part 1 of Schedule 3 has effect for determining the date on which, and the circumstances in which, those paragraphs have effect with respect to any other vehicle.
- (8) In this regulation—

“armed services” means the naval, military or air forces of the Crown and includes the reserve forces;

“civil defence” means plans and arrangements for civil protection made under Part 1 of the Civil Contingencies Act 2004(a);

“fire and rescue authority”—

 - (a) has the same meaning—
 - (i) in England and Wales, as in section 1 of the Fire and Rescue Services Act 2004(b);
 - (ii) in Scotland, as in section 1(1) of the Fire (Scotland) Act 2005(c); and
 - (b) in Northern Ireland means the Northern Ireland Fire and Rescue Service Board established by the Fire and Rescue Services (Northern Ireland) Order 2006(d).

“old vehicle” means—

 - (a) a vehicle of a class in category M₁ or N₁ the manufacture of which is completed more than 10 years before the date on which an application described in regulation 6(1) or (2) is made, and
 - (b) a vehicle of a class in category N₂ or N₃ the manufacture of which is completed more than 25 years before the date on which an application described in regulation 6(1) or (2) is made.

(a) 2004 c.36.
 (b) 2004 c.21.
 (c) 2005 asp 5.
 (d) S.I. 2006/1254 (N.I.9).

PART 2

CONDITIONS FOR LICENSING OR ENTRY INTO SERVICE OF VEHICLES

Conditions relating to motor vehicles

Grant of first licence or registration of motor vehicles

- 6.**—(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 a relevant condition is satisfied.

(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—

- (a) a relevant condition is satisfied, or
 - (b) the temporary exemption applies.
- (3) A “relevant condition” is—
- (a) one of the principal conditions, or
 - (b) where the alternative conditions may be satisfied, any of those conditions.
- (4) The principal conditions are that the applicant has shown that—
- (a) an appropriate EC certificate of conformity has effect with respect to the vehicle;
 - (b) an appropriate national small series certificate of conformity has effect with respect to the vehicle;
 - (c) an appropriate individual approval has effect with respect to the vehicle.
- (5) Part 2 of Schedule 3—
- (a) specifies where the alternative conditions may be satisfied,
 - (b) prescribes those conditions, and
 - (c) specifies where the temporary exemption applies.

(6) For the purposes of paragraph (4), a certificate of conformity of any kind has effect if it is issued in respect of a valid type approval or an end-of-series vehicle.

(7) In this regulation—

“EC certificate of conformity” includes, as well as any certificate of conformity within the meaning of article 3(36) of the Framework Directive—

- (a) a certificate of conformity issued in accordance with regulation 5 of the 1998 Regulations, and
- (b) a certificate of conformity issued under the law of a member State other than the United Kingdom in accordance with 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 (as amended)(a);

“end-of-series vehicle” means any vehicle within the meaning of “end-of-series vehicle” in regulation 31 or 32.

(a) OJ No. L42, 23.2.1970, p.1. [*The relevant amendments are by]*.

Conditions relating to trailers

Consent to supply of large trailers for use on a road

7.—(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 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) Part 3 of Schedule 3—

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

(6) For the purposes of paragraph (4)(a), a certificate of conformity of any kind has effect if it is issued in respect of a valid type approval or an end-of-series vehicle.

(7) Before giving consent 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 (or arrange for such tests to be carried out) as the authority thinks fit.

(8) Where the Secretary of State refuses to give consent under this regulation, the refusal must be accompanied by notice of that fact.

(9) In this regulation, “appropriate approval or certificate of conformity” means—

- (a) an EC certificate of conformity,
- (b) a national small series certificate of conformity, or
- (c) an individual approval,

which is appropriate to the vehicle.

Records of large trailers

8. The approval authority must keep a record of—

- (a) every consent given under regulation 7(3), and
- (b) the pertinent information about the large trailer in respect of which that consent is given,

for a period of not less than 10 years from the date of the consent.

Records of small trailers

9.—(1) A final supplier who—

- (a) has supplied for use on a road a small trailer which is a relevant vehicle, or
- (b) puts such a trailer into service on a road for personal use,

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 the trailer has previously been 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.

Meaning of “pertinent information”

10.—(1) In this Part, “pertinent information” means—

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

(2) The 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,
- (f) a copy of any certificate of conformity,
- (g) the date of supply, and
- (h) the name and address of the purchaser.

(3) For the purposes of this regulation—

- (a) the “alternative conditions” are the conditions applied by virtue of Part 3 of Schedule 3, and
- (b) the alternative information is specified in Part 3 of Schedule 3.

Offences for breach of conditions

Trailers: offences

11.—(1) A person commits an offence if—

- (a) he supplies a recordable trailer,
- (b) the trailer is supplied for use on a road, and
- (c) none of the conditions specified in paragraph (2) is met.

(2) The specified conditions are that—

- (a) an EC certificate of conformity has effect with respect to the trailer;
- (b) a national small series certificate of conformity has effect with respect to the trailer;
- (c) an individual approval certificate has effect with respect to the trailer.

(3) A person commits an offence if he—

- (a) supplies, for use on a road, a recordable trailer which is a large trailer,
- (b) uses such a trailer on a road, or
- (c) causes or permits such a trailer to be used on a road,

at a time when there is no relevant consent in effect with respect to that trailer.

(4) A person commits an offence if he contravenes paragraph (1) or (3) of regulation 9.

(5) A person guilty of an offence under paragraph (1) is liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale if the offence is committed in respect of a large trailer, or
- (b) to a fine not exceeding level 4 on the standard scale if the offence is committed in respect of a small trailer.

(6) A person guilty of an offence under paragraph (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) A person guilty of an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) It is a defence for a person charged with an offence under paragraph (3)(b) or (c) to show that—

- (a) the trailer is an incomplete vehicle, is not carrying goods and is being towed to a place where a further stage of manufacture is to take place;
- (b) the trailer is to be exported and is being towed to a place from where it is to be taken out of the United Kingdom;
- (c) the trailer is being used solely for the purpose of—
 - (i) submitting it (by previous arrangement at a specified time) for a statutory inspection or test, or
 - (ii) bringing it away from any such inspection or test;
- (d) the trailer is operated from a base in a country outside the United Kingdom and either—
 - (i) the trailer is registered in that country, or
 - (ii) it is shown that the trailer has its principal base there.

(9) It is a defence for a person charged with an offence under paragraph (1) or (3)(a) to show that, at the time when the trailer was supplied, there was reasonable cause to believe that the trailer would not be used on a road otherwise than in circumstances specified in paragraph (8)(a), (b), or (c).

(10) For the purposes of this regulation, a trailer is a recordable trailer if—

- (a) it is a relevant vehicle, and
- (b) by virtue of Part 1 of Schedule 3, at the date when it is first supplied by a final supplier for use on a road regulation 7 or 9 has effect with respect to it.

(11) In this regulation—

“relevant consent” means consent given under regulation 7(3);

“statutory inspection or test” means an inspection or test carried out under or pursuant to—

- (a) the Framework Directive,
- (b) these Regulations,
- (c) the Goods Vehicles (Plating and Testing) Regulations 1988(a), or
- (d) the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003(b).

(a) S.I. 1988/1478.
 (b) S.R. 2003 No. 304.

PART 3

EC TYPE APPROVAL GRANTED BY THE SECRETARY OF STATE

EC type approvals

Applications for grant of EC type approval

12.—(1) A manufacturer requiring EC type approval in respect of—

- (a) a relevant vehicle, or
- (b) a system, component or separate technical unit for a relevant vehicle,

must apply to the approval authority.

(2) A manufacturer may not apply under paragraph (1) if an application has been made (whether by that manufacturer or another) in respect of that type of vehicle, system, component or separate technical unit—

- (a) under any other provision of these Regulations, or
- (b) in another Member State.

(3) An application under paragraph (1) must be—

- (a) in writing, and
- (b) accompanied by the documentation required by article 6 or, as the case may be, article 7 of the Framework Directive (EC type approval procedures).

(4) A manufacturer applying under paragraph (1)—

- (a) for an EC vehicle type approval must comply with any requirement made in pursuance of article 6 of the Framework Directive, or
- (b) for an EC system, component or separate technical unit type approval, must comply with any requirement made in pursuance of article 7 of the Framework Directive.

(5) Paragraphs (3) and (4) are subject to regulation 20 (EC type approval of small series) in a case where that regulation applies.

Grant of EC type approval: obligations of approval authority

13.—(1) The approval authority must—

- (a) make the decision whether to grant or refuse an EC type approval in accordance with articles 8 to 11 of the Framework Directive (conduct of EC type approval procedures) and any relevant regulatory acts (but subject to paragraph (2)), and
- (b) not grant an EC type approval without first being satisfied that adequate arrangements have been made to ensure that production vehicles, systems, components or separate technical units conform to the approved type.

(2) The approval authority—

- (a) may grant an EC type approval in respect of a system, component or separate technical unit which incorporates technologies or concepts which are incompatible with any regulatory act; but
- (b) if the authority intends doing so, must comply with the requirements of article 20 of the Framework Directive (exemption for new technologies or concepts).

(3) Where the approval authority decides to grant an EC type approval the authority must issue an EC type approval certificate in the form and manner specified in the Framework Directive, or (as the case may be) a relevant regulatory act, and without unjustified delay.

(4) The approval authority may grant an EC system, component or separate technical unit type approval subject to restrictions on the use, or conditions for the fitment, of the system, component or separate technical unit of the type to which the approval relates.

(5) The approval authority may refuse to grant an EC vehicle type approval if the authority is not satisfied that the applicant has made adequate arrangements to comply with the obligations imposed on an applicant by regulations 14 to 17 and 18(2), (3) and (4).

(6) The approval authority may refuse to grant an EC system, component or separate technical unit type approval if the authority is not satisfied that the applicant has made adequate arrangements to comply with the obligations imposed on an applicant by regulations 14 to 17 and 18(2), (3), (6) and (7).

(7) Where the approval authority decides to—

- (a) not to grant an EC type approval, or
- (b) to grant an EC type approval subject to restrictions or conditions of any kind,

notice of the decision must be given to the applicant unless paragraph (8) applies.

(8) This paragraph applies where the applicant has, before the approval makes the decision, agreed to accept the grant of type approval subject to the restrictions or conditions which are attached to the approval.

(9) Following the grant of an EC type approval the approval authority must comply with the requirements of articles 8(5) to (8) (information for other member States) and 12(1) and (2) (verification of arrangements for conformity of production) of the Framework Directive.

Amendments to EC type approvals

14.—(1) The holder of an EC type approval certificate granted by the approval authority must notify the approval authority forthwith of any change in the particulars recorded in the information package relating to that approval.

(2) Following receipt of a notification under paragraph (1) and consultation with the certificate holder, the approval authority must determine whether an amendment is required to the type approval certificate and notify the certificate holder accordingly.

(3) An application for the approval to be amended must be—

- (a) made in writing to the approval authority, and
- (b) accompanied by such documents as the approval authority requests.

(4) Regulation 13 applies in respect of an application under this regulation as it applies in respect of an application for the first grant of an EC type approval under regulation 12.

(5) The approval authority must comply with the requirements imposed on the authority in articles 14 to 16 (amendments to EC type approvals) of the Framework Directive and the holder of the EC type approval certificate must co-operate with the approval authority where co-operation is necessary to facilitate such compliance.

EC certificates of conformity and approval marks

15.—(1) The holder of an EC type approval granted by the approval authority must comply with the requirements of the following articles of the Framework Directive —

- (a) article 18 (certificates of conformity), and
- (b) in the case of a holder of an EC system, component or separate technical unit type approval, article 19 (EC type approval marks).

(2) The holder of an EC vehicle type approval granted by the approval authority must keep a record, in relation to each EC certificate of conformity issued by that holder, of—

- (a) the serial number of the certificate,
- (b) the vehicle identification (VIN) number of the vehicle in respect of which the certificate is issued, and
- (c) the Community reference numbers of all regulatory acts with which the vehicle conforms,

and must retain all such records for 10 years commencing on the date of issue or for such lesser period as the approval authority may from time to time agree.

Tests and associated checks

16. Where the holder of an EC type approval granted by the approval authority has given an undertaking to the approval authority as to the carrying out at specified intervals of tests or associated checks to verify conformity of production, the holder must, unless otherwise agreed by the approval authority—

- (a) comply with the undertaking, and
- (b) keep a record of the results obtained from such tests and associated checks and retain the records for 10 years commencing on the date of the test or check in question or for such lesser period as the approval authority may from time to time agree.

Duty to co-operate with approval authority

17. The holder of an EC type approval granted by the approval authority must permit the approval authority to carry out the obligations of the United Kingdom under article 12(1) and (2) of the Framework Directive in relation to the approval and must co-operate with any person acting on behalf of the approval authority in connection with those obligations.

Information for users and other manufacturers

18.—(1) A manufacturer must not supply to any person any technical information in respect of an EC type approval related to the particulars provided for in the Framework Directive or in any relevant regulatory act which diverges from the particulars approved by the approval authority in giving that approval.

(2) Where a regulatory act so provides, a manufacturer must make available to users of vehicles, systems, components or separate technical units (as the case may be) all information relevant to the needs of users and necessary instructions describing any special conditions or restrictions attaching to the use of a vehicle, system, component or a separate technical unit.

(3) That information—

- (a) must be made available in as many of the official languages of the Community as is necessary to achieve the purpose of the regulatory act, and
- (b) where the approval authority agrees, may be provided in an appropriate supporting document, such as the owner's manual or the maintenance book.

(4) A vehicle manufacturer must make available to a manufacturer of any system, components or separate technical unit all those particulars (including any drawings specifically listed in an annex or appendix to a regulatory act) that are necessary for obtaining—

- (a) an EC type approval of a component or separate technical unit, or
- (b) an authorisation—
 - (i) granted by the approval authority under regulation 22, or
 - (ii) granted pursuant to article 31 of the Framework Directive (sale of equipment capable of posing a significant risk to functioning of systems) by the authority in a member State other than the United Kingdom corresponding to the approval authority,

but subject to paragraph (5).

(5) A vehicle manufacturer may impose a binding agreement on a manufacturer of a system, component or separate technical unit to protect the confidentiality of any information that is not in the public domain, including what is related to intellectual property rights.

(6) The holder of an EC system, component or separate technical unit type approval which—

- (a) has been granted by the approval authority, and
- (b) is subject to restrictions on the use of the system, component or unit or any special conditions of fitment (or both together) under regulation 13(4),

must not supply the system, component or separate technical unit to a vehicle manufacturer unless it is accompanied by a document setting out those restrictions or conditions.

(7) Where a regulatory act so provides, the manufacturer of a component or separate technical unit must provide, with that component or separate technical unit, instructions regarding any restriction on its use or special conditions of fitment (or both together).

(8) Breach of an obligation imposed by paragraph (1), (2), (4), (6) or (7) is actionable to the extent that damage is caused to any person.

Withdrawal or suspension of EC type approval

19.—(1) In this regulation, a reference to a failure to conform to an approved type is to be construed in accordance with article 30(2) of the Framework Directive.

(2) The approval authority may withdraw or suspend an EC type approval by notice to the holder of that approval where the authority is satisfied that a vehicle, system, component or separate technical unit—

- (a) is accompanied by a certificate of conformity or bears an EC type approval mark, and
- (b) fails to conform to the approved type.

(3) The approval authority may not withdraw or suspend an EC type approval unless the authority (or a person acting on behalf of the authority) has made an examination of two or more—

- (a) vehicles associated with a single EC vehicle type approval granted by the authority, or
- (b) systems, components or separate technical units associated with a single EC system, component or separate technical unit type approval, granted by the authority.

(4) If, as a result of the approval authority carrying out (with or without the co-operation of another member State) the obligations of the United Kingdom under article 12(2) of the Framework Directive in respect of an EC type approval which the approval authority has issued, the authority is satisfied that—

- (a) the arrangements made by the holder of the approval for ensuring that production vehicles, systems, components or separate technical units conform to the approved type no longer continue to be adequate, or
- (b) the holder has otherwise failed to comply with a requirement imposed on the holder of an approval by or under regulations 12 and 14 to 17,

the approval authority may suspend the EC type approval by notice given to the holder.

(5) If the approval authority is considering withdrawing or suspending an EC type approval the authority must give the holder of the approval notice of that.

(6) Where the approval authority gives notice to the holder under paragraph (5)—

- (a) the holder may, within the period of 28 days beginning with the day on which the notice is given, make representations concerning the proposed withdrawal or suspension,
- (b) the approval authority must not make a decision on the withdrawal or suspension of the approval until that period has expired, and
- (c) before deciding whether or not to withdraw or suspend the approval, the approval authority must take into account any representations made by the holder during that period.

(7) If the holder of an EC type approval which has been suspended under this regulation purports by virtue of that approval to—

- (a) issue an EC certificate of conformity with respect to a vehicle, or
- (b) affix an EC type approval mark to a component or separate technical unit,

the certificate or mark is invalid but a suspension does not affect the validity of any certificate of conformity issued before the approval was suspended.

(8) A suspension remains in force until it is revoked by the approval authority.

(9) The approval authority may, by notice under paragraph (5) or by subsequent notice given to the holder, exempt from paragraph (7) EC certificates of conformity or classes of EC certificates of conformity specified in the notice.

(10) If, following a request by the holder, the approval authority refuses to exercise powers under paragraphs (8) or (9) in respect of an EC type approval which has been suspended under this regulation, the authority must give notice of that decision to the holder.

(11) The approval authority must—

- (a) inform other member States of measures the authority has taken under this regulation;
- (b) comply with the obligations imposed on a member State (or the approval authority of that State) by paragraphs 1, 3, 4 and 5 of article 30 of the Framework Directive (vehicles, etc, not in conformity with the approved type).

(12) For the purposes of this regulation—

- (a) a vehicle is associated with an EC vehicle type approval if an EC certificate of conformity relating to that type approval has been issued in respect of that vehicle, and
- (b) a system, component or separate technical unit is associated with an EC system, component or separate technical unit type approval if it bears an EC type approval mark which relates to that type approval.

EC type approval of small series

20.—(1) This regulation applies where a manufacturer of a relevant vehicle of a class in category M₁ other than a special purpose vehicle makes an application under regulation 12 requests an EC type approval (small series).

(2) If the approval authority does not make the decision whether to grant or refuse EC type approval wholly in accordance with articles 8 to 11 of the Framework Directive and any relevant regulatory acts, the authority must not grant that approval without being satisfied that—

- (a) the requirements of article 22(1) (EC type approval of small series) of the Framework Directive have been met, and
- (b) the requirements of article 18(6) of that Directive (form of certificate of conformity) will be met.

(3) Upon granting that approval, the approval authority must issue to the manufacturer an EC type approval certificate which complies with article 22(3) of the Framework Directive.

(4) The holder of an EC type approval (small series) must, during each year of production, issue certificates of conformity which comply with article 18(6) of the Framework Directive.

(5) In this regulation, “year” means the period from 1st January to 31st December.

Unsafe or harmful vehicles and vehicle parts

Powers of the approval authority where a vehicle is a serious risk to road safety, etc

21.—(1) Where the approval authority considers that vehicles with respect to which an EC type approval has effect are a serious risk to road safety or seriously harm the environment or public

health, the authority may direct that for a specified period not exceeding six months all EC certificates of conformity issued under that EC type approval (whether before or after the giving of the direction) shall be invalid for the purposes of Part 2 of these Regulations.

(2) A direction under this regulation may be revoked by the approval authority.

(3) The approval authority must give notice of a direction under this regulation to the holder of the EC type approval.

(4) If, following a request by the holder, the approval authority refuses to exercise the powers under paragraph (2) in relation to a direction given under this regulation, the authority must give notice of that decision to the holder.

Parts and equipment which may pose a significant risk to the correct functioning of essential systems

22.—(1) A manufacturer of a part or equipment included in the list established under article 31 of, and Annex XIII to, the Framework Directive (parts and equipment capable of posing a significant risk to the correct functioning of essential systems) must not permit that part or equipment to be sold or enter into service unless first authorised to do so by—

- (a) the approval authority in accordance with this regulation, or
- (b) the authority in a member State other than the United Kingdom corresponding to the approval authority.

(2) The manufacturer must send to the approval authority an application for approval and a test report drafted by a designated technical service which comply with article 31(5) of the Framework Directive.

(3) The approval authority must issue a certificate of authorisation to the manufacturer as soon as reasonably possible authorising the sale or entry into service of those parts or equipment if the authority is satisfied that—

- (a) the parts or equipment referred to in the application comply with the requirements of article 31(4) of the Framework Directive, and
- (b) the manufacturer has in place suitable arrangements for ensuring effective control of the conformity of production of those parts or equipment.

(4) A manufacturer who holds a certificate of authorisation must—

- (a) ensure that the part or equipment is produced under the conditions under which the certificate is issued,
- (b) inform the approval authority without delay of any change in those conditions, and
- (c) ensure that each part or piece of equipment which is sold or enters into service is marked in accordance with article 31(6) of the Framework Directive.

(5) If the approval authority believes that a part or equipment no longer complies with the conditions under which the certificate of authorisation was given the authority may—

- (a) withdraw the certificate of authorisation, or
- (b) require the manufacturer to bring the part or equipment back into conformity with those conditions.

(6) If required to do so by the approval authority under paragraph (5)(b), the manufacturer must take any necessary measures to ensure that the part or equipment in question is brought back into conformity with the conditions under which the certificate of authorisation was issued.

Recall of vehicles

23.—(1) A manufacturer must inform the approval authority immediately if article 32(1) of the Framework Directive (recall of vehicles in application of a regulatory act or of Council Directive 2001/95/EC) applies to him.

(2) Where paragraph (1) applies, the manufacturer shall propose to the approval authority a set of appropriate remedies in accordance with article 32(2) of the Framework Directive.

(3) The approval authority may withdraw an EC vehicle type approval if the manufacturer does not propose and implement effective remedies.

(4) This regulation shall also apply to vehicle parts that are not subject to any requirement under a regulatory act.

PART 4

NATIONAL SMALL SERIES TYPE APPROVAL AND INDIVIDUAL APPROVAL

National small series type approvals

Applications for national small series type approval

24.—(1) A vehicle manufacturer may apply to the approval authority for—

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

(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.

(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 Framework Directive but as if, in that article, the words “type approval certificates under article 23” were in each case substituted for “EC type-approval certificates”.

Grant of national small series type approval

25.—(1) —The approval authority must—

- (a) make the decision whether or not to grant a national small series type approval in accordance with article 23 of the Framework Directive (national type approval of small series) , and
- (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.

(2) For the purposes of paragraph (1)(a), the alternative requirements required to be laid down under article 23(1) are the technical requirements specified in Schedule 4.

(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 28(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—

- (a) to that person, or
- (b) 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 the provisions specified in paragraph (7).

(7) Those provisions are regulations 15(2), 16, and 17, but with the modifications specified in paragraph (9).

(8) Regulation 19 (in so far as it applies to vehicle type approvals) and regulation 21 apply to—

- (a) the holder of a national small series type approval, and
- (b) vehicles to which a national small series type approval relates,

but with the modifications specified in paragraph (9).

(9) The modifications are that—

- (a) regulation 19(4)(b) is omitted,
- (b) for each reference in a regulation to an EC type approval there is substituted a reference to a national small series type approval,
- (c) for each reference in a regulation to an EC certificate of conformity there is substituted a reference to a national small series certificate of conformity, and
- (d) where a regulation (or any part of a regulation) has effect by reference to a provision of the Framework Directive, for any reference in that provision to an EC type-approval there is substituted a reference to a national small series type approval.

(10) The holder of a national small series type approval must—

- (a) issue, in respect of each vehicle (whether incomplete, complete or completed) which is manufactured in conformity with that approval a certificate of conformity which complies with regulation 28(3) and 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, and
- (b) observe, in relation to the certificate of conformity, the requirements set out in paragraph (1), second sub-paragraph, and paragraphs (3) and (4) of article 18 (certificates of conformity) of the Framework Directive.

(11) 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 7(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.

(12) Where a person—

- (a) supplies for use on a road a small trailer which is a relevant vehicle, or
- (b) puts such a trailer into service on a road for personal use,

and by doing so causes the total number of trailers of that type put into service on roads in the United Kingdom in that year to exceed the maximum permitted number the condition in regulation 9(2)(b) is not met.

(13) In this regulation—

“maximum permitted number”, for any type of vehicle, means the number shown in column (2) of the table below in relation to the vehicle category to which that type belongs;

“year” means the period from 1st January to 31st December.

Table: maximum permitted numbers

<i>(1) Vehicle category</i>	<i>(2) Maximum permitted number</i>
M ₁	75
M ₂ or M ₃	250
N ₁	500
N ₂ or N ₃	250
O ₁ or O ₂	500
O ₃ or O ₄	250

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

26.—(1) A manufacturer may, pursuant to the provisions of article 23(6) of the Framework Directive, 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 24 (and may not be proceeded with if an application under that regulation is made later).

(3) Not later than 60 days 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, notify—

- (a) the applicant, and
- (b) the competent authority in the member State which granted it.

(6) If the approval is accepted the approval authority must, as soon as practicable, issue a national small series type approval certificate.

(7) 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 are constructed for use in left-hand traffic and using imperial units of measurement for the speedometer.

Individual approval

Individual approval

27.—(1) A qualifying applicant may apply to the approval authority for individual approval of a relevant vehicle.

(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—
 - (i) the documents mentioned in the form as being so required, and
 - (ii) the prescribed fee.

(3) This paragraph applies where the vehicle for which an application under paragraph (1) is made—

- (a) is covered by a non-UK type approval, or
- (b) has the benefit of an individual approval granted, pursuant to article 24 of the Framework Directive (individual approvals), under the law of a member State other than the United Kingdom (an “article 24 approval”).

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

- (a) a copy of the non-UK type approval or individual approval certificate, and
- (b) a copy of the attachments to that certificate,

and, in the case of a vehicle which has the benefit of an Article 24 approval, 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, carry out an examination of the vehicle and in that event must, as soon as reasonably practicable after receiving the application, send to the applicant a notice stating—

- (a) the address 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) The approval authority must make the decision whether or not to grant an individual approval in accordance with article 24 of the Framework Directive.

(7) For the purposes of paragraph (6), the alternative requirements required to be imposed under article 24(1) are the technical requirements specified in Schedule 5.

(8) 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—

- (a) the article 24 approval, or
- (b) the non-UK type approval covering the vehicle,

was granted are not equivalent to those applying in the United Kingdom.

(9) For the purposes of paragraph (8), 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 is constructed for use in left-hand traffic and 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 28.

(11) In this regulation—

“non-UK type approval” has the same meaning as in regulation 26;

“qualifying applicant” means—

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

Forms of certificate

Forms of certificates: national type approval of small series and individual approval

28.—(1) A national small series type approval certificate must be in the form set out in Part 1 of Schedule 6 (or a form to the like effect).

(2) An individual approval certificate must be in the form set out in Part 2 of Schedule 6 which is appropriate to the category of vehicle in respect of which it is issued (or a form to the like effect).

(3) A national small series certificate of conformity must—

- (a) be in the form set out in Part 3 of Schedule 6 which is appropriate to the category of vehicle in respect of which it is issued (or a form to the like effect), and
- (b) contain such of the particulars specified in that form as are relevant to the particular vehicle in respect of which it is issued.

PART 5

VALIDITY OF APPROVALS AND END-OF SERIES VEHICLES

Validity of EC type approvals

29.—(1) Subject to paragraphs (2) and (3), an EC type approval ceases to be valid with respect to a vehicle for the purposes of Part 2 of these Regulations at the date when—

- (a) a new requirement imposed by a regulatory act becomes a mandatory condition for the registration, sale or entry into service of the vehicle,
- (b) production of the vehicle is voluntarily discontinued, or
- (c) it expires by virtue of a special restriction to which it is subject.

(2) An EC type approval does not cease to be valid in relation to a class of vehicles by virtue of paragraph (1)(a) if, at the date on which the new requirement becomes a mandatory condition, it has been updated to ensure that that class of vehicles complies with the new requirement.

(3) An EC type approval which applies to vehicles of more than one class ceases to be valid only with respect to those classes of vehicle to which the circumstances described in paragraph (1)(a), (b) or (c) apply.

(4) Where an EC type approval granted by the approval authority is about to become invalid the holder must inform the approval authority of that fact without delay.

(5) Where the approval authority becomes aware that an EC type approval is about to become invalid the authority must inform the corresponding authorities in other member States of all the relevant details as soon as reasonably practicable.

(6) Except as provided in—

- (a) paragraph (7), and
- (b) regulation 31,

an EC certificate of conformity has no effect for the purposes of Part 2 of these Regulations if the type approval under which it is issued has ceased to be valid with respect to the vehicle with which it is issued.

(7) An EC certificate of conformity has effect for the purposes of Part 2 of these Regulations if—

- (a) the vehicle to which it relates was previously in service in a member State other than the United Kingdom,
- (b) the EC type approval to which the certificate of conformity relates was valid on the date on which the vehicle was first put into service, and
- (c) the vehicle is constructed for use in left-hand traffic and uses imperial units of measurement for the speedometer.

(8) In this regulation—

“EC type approval” means a type approval granted by the approval authority under these Regulations or under regulation 4 of the 1998 Regulations;

“EC certificate of conformity” includes, as well as any certificate of conformity within the meaning of article 3(36) of the Framework Directive—

- (a) a certificate of conformity issued in accordance with regulation 5 of the 1998 Regulations, and
- (b) a certificate of conformity issued under the law of a member State other than the United Kingdom in accordance with 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 (as amended)(a).

Validity of national small series type approvals

30.—(1) Subject to paragraphs (2) and (3), a national small series type approval ceases to be valid with respect to a vehicle for the purposes of Part 2 of these Regulations at the date when—

- (a) an amendment to the alternative requirements becomes a mandatory condition for the registration, sale or entry into service of the vehicle,
- (b) production of the vehicle is voluntarily discontinued, or
- (c) it expires by virtue of a special restriction to which it is subject.

(2) A national small series type approval does not cease to be valid by virtue of paragraph (1)(a) to the extent that it can be updated to ensure that any class of vehicles in respect of which it is granted complies with the amended alternative requirements.

(3) A national small series type approval which applies to vehicles of more than one class ceases to be valid only with respect to those classes of vehicle to which the circumstances described in paragraph (1)(a), (b) or (c) apply.

(4) Except as provided in regulation 32, a national small series certificate of conformity has no effect for the purposes of Part 2 of these Regulations if the type approval under which it is issued has ceased to be valid with respect to the vehicle for which it is issued.

(5) In this regulation, “alternative requirements” means the requirements specified in regulation 25(2).

End-of-series vehicles for EC type approval

31.—(1) This regulation applies where—

(a) OJ No. L42, 23.2.1970, p.1. [*The relevant amendments are by]*.

- (a) an EC type approval has been granted by the approval authority, and
 - (b) the approval authority is satisfied that the type approval is going to cease to be valid by virtue of regulation 29(1)(a).
- (2) At the request of the holder of an EC type approval to which this regulation applies, the approval authority may direct that an EC certificate of conformity issued under that approval in respect of an end-of-series vehicle has effect for the purposes of Part 2 of these Regulations for the relevant period.
- (3) The holder of the approval must specify, in a request made under paragraph (2), the technical or economic reasons preventing that holder from complying with new technical requirements applying to the vehicles in question after the type approval ceases to be valid.
- (4) The approval authority must—
- (a) decide whether or not to give a direction not later than 3 months after receiving the request, and
 - (b) must, on deciding not to give a direction, give notice of that decision to the holder of the approval without delay.
- (5) For the purposes of paragraph (2)—
- (a) an “end-of-series vehicle” is a vehicle in relation to which the conditions in paragraph (6) are satisfied;
 - (b) the “relevant period” is—
 - (i) in the case of a complete vehicle, the period of 12 months commencing on the date on which the EC type approval ceases to be valid, and
 - (ii) in the case of an incomplete or a completed vehicle, the period of 18 months commencing on that date.
- (6) The conditions are that—
- (a) the vehicle is manufactured in conformity with a valid EC type approval,
 - (b) that type approval later ceases to be valid by virtue of regulation 29(1)(a), and
 - (c) the EC certificate of conformity issued in respect of the vehicle bears a date not less than 3 months earlier than the date on which the type approval ceases to be valid.
- (7) In this regulation—
- “EC type approval” means a type approval granted by the approval authority under these Regulations or under regulation 4 of the 1998 Regulations, and
- “EC certificate of conformity” means a certificate of conformity issued in respect of an EC type approval.

End-of-series vehicles for national small series type approval

32.—(1) This regulation applies to a national small series type approval if the approval authority is satisfied that it is going to cease to be valid by virtue of regulation 30(1)(a).

(2) The approval authority may, at the request of a holder of a national small series type approval to which this regulation applies, direct that a certificate of conformity issued under that approval in respect of an end-of-series vehicle has effect for the purposes of Part 2 of these Regulations for the relevant period.

(3) The holder of the approval must specify, in a request made under paragraph (2), the technical or economic reasons preventing that holder from complying with amended requirements applying to the vehicles in question after the type approval ceases to be valid.

- (4) The approval authority must—
- (a) decide whether or not to give a direction not later than 3 months after receiving the request, and
 - (b) must, on deciding not to give a direction, give notice of that decision to the holder of the approval without delay.

- (5) For the purposes of paragraph (2)—
- (a) an “end-of-series vehicle” is a vehicle in relation to which the conditions in paragraph (6) are satisfied;
 - (b) the “relevant period” is—
 - (i) in the case of a complete vehicle, the period of 12 months commencing on the date on which the EC type approval ceases to be valid, and
 - (ii) in the case of an incomplete or a completed vehicle, the period of 18 months commencing on that date.
- (6) The conditions are that—
- (a) the vehicle is manufactured in conformity with a valid national small series type approval,
 - (b) that type approval later ceases to be valid by virtue of regulation 29(1)(a), and
 - (c) the national small series certificate of conformity issued in respect of the vehicle bears a date not less than 3 months earlier than the date on which the type approval ceases to be valid.

PART 6

MISCELLANEOUS

Enforcement

Forgery, false statements, etc

- 33.—**(1) A person commits an offence if, with intent to deceive, he—
- (a) forges, alters or uses a document to which paragraph (2) applies, or
 - (b) lends to, or allows to be used by, any other person a document to which paragraph (2) applies, or
 - (c) makes, or has possession of, any document so closely resembling a document to which paragraph (2) applies as to be calculated to deceive.
- (2) This paragraph applies to—
- (a) an EC type approval certificate,
 - (b) an EC certificate of conformity,
 - (c) a national small series type approval,
 - (d) a national small series certificate of conformity, or
 - (e) an individual approval.
- (3) A person guilty of an offence under paragraph (1) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.
- (4) A person who, in supplying information or producing a document for the purpose of these Regulations—
- (a) makes a statement which that person knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
 - (b) produces, provides, sends or otherwise makes use of a document which that person knows to be false in a material particular or recklessly produces, provides or sends or otherwise makes use of a document which is false in a material particular,

commits an offence.

- (5) A person who contravenes regulation 16, 22(1) or 23(1) commits an offence.
- (6) A person guilty of an offence under paragraph (4) or (5) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

Powers of entry

34.—(1) A person authorised by the approval authority (an “authorised person”) may, on production of a document showing that person has authority to do so, enter at all reasonable hours on any land or premises (including production facilities and domestic premises) which are being used for any purpose connected with these Regulations) for the purpose of ensuring that these Regulations are being complied with.

- (2) Without prejudice to the generality of paragraph (1), an authorised person may—
 - (a) inspect any production facility, vehicle, system, component or technical unit found on the land or premises,
 - (b) carry out on the land or premises any check or test prescribed in a regulatory act,
 - (c) remove from the land or premises any vehicle, system, component or technical unit which the authorised person may reasonably require in order to carry out such a check or test,
 - (d) have access to, inspect, remove, retain and copy any record or other document (in whatever form it is held) which is required to be kept under these Regulations or which the authorised person may reasonably require to inspect or copy,
 - (e) have access to, inspect and check the operation of any computer and associated apparatus or material which is or has been used in connection with the keeping of records or the exercise of any other function connected with these Regulations (and for that purpose may require any person having charge of or concerned with the operation of that apparatus to assist with the inspection in any way the authorised person may reasonably request);
 - (f) make a copy of any data stored on a computer and retain and remove that copy data.

(3) An authorised person must, so far as it is reasonably practicable to do so, return any vehicle, document or other thing removed from the land or premises to the person from whose possession it was taken.

Other miscellaneous provisions

Duplicate certificates

35.—(1) If an EC certificate of conformity, a national small series certificate of conformity or an individual approval certificate is lost or defaced, the owner or keeper of the vehicle to which the certificate relates may apply—

- (a) in the case of an EC or national small series certificate of conformity, to the manufacturer by whom the original was issued, and
 - (b) in the case of an individual approval certificate, to the approval authority.
- (2) Where a certificate has been lost, the application for a duplicate 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.

(3) Where a certificate has been defaced, the application for a duplicate 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.
- (4) A duplicate certificate must be marked “Duplicate”.
- (5) A manufacturer to whom an application for a duplicate certificate is made under paragraph (1)(a) may not unreasonably refuse to issue the duplicate but may charge a reasonable fee for so doing.
- (6) Every application under paragraph (1)(b) for a duplicate certificate must be accompanied by the prescribed fee.
- (7) In this regulation, “EC certificate of conformity” includes, as well as any certificate of conformity within the meaning of article 3(36) of the Framework Directive—
- (a) a certificate of conformity issued in accordance with regulation 5 of the 1998 Regulations, and
 - (b) a certificate of conformity issued under the law of a member State other than the United Kingdom in accordance with 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 (as amended).

Duty to give reasons etc

36.—(1) A relevant notice must specify the reasons for the decision to which it relates, the right to request a review under these Regulations and the time limit for making such a request.

(2) In this regulation and regulation 37, a “relevant notice” means a notice under—

- (a) regulation 13(7),
- (b) regulation 14(2);
- (c) regulation 19(2), (4), (5) or (10),
- (d) regulation 21(3) or (4),
- (e) regulation 31(4)(b), or
- (f) regulation 32(4)(b).

Review of decisions

37.—(1) Where the approval authority has given a relevant notice to a person, that person may apply to the approval authority for a reconsideration of the decision to give that notice.

(2) Such an application must—

- (a) be made within a period of 28 days beginning on the date when the relevant notice is received, and
- (b) be in writing stating the reasons for making it and accompanied by such further evidence as may be reasonably necessary to support those reasons.

(3) The approval authority may—

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

(4) The approval authority must as soon as reasonably practicable give written notification to the applicant stating whether the original decision is confirmed, amended or reversed.

(5) An applicant aggrieved by the approval authority’s notification under paragraph (4) may by notice in writing request the approval authority to appoint an independent assessor or assessment panel to review the decision to which the relevant notice relates.

(6) A request under paragraph (5) must be—

- (a) made not later than 28 days after receipt of the approval authority's notification under paragraph (4),
- (b) in writing stating the reasons for the request, and
- (c) accompanied by the prescribed fee.

(7) As soon as reasonably practicable after the date of receipt of the request under paragraph (5) for an independent review 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.

(8) 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 a vehicle for the purpose of determining the issues raised by the request for review;
- (c) hold an inquiry.

(9) Section 180 of the 1988 Act applies to an inquiry held under paragraph (8)(c) as it applies to an inquiry under that Act and, in its application to Northern Ireland by virtue of this paragraph, section 180 has effect as if in subsection (2)(a) after "Wales" there was inserted "or Northern Ireland".

Service of notices

38.—(1) Any document required or authorised by virtue of these Regulations to be given to any person by the approval authority may be given—

- (a) by delivering it to that person or by leaving it at that person's proper address,
- (b) by sending it by registered or recorded delivery post to that person at that address, or
- (c) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) or (b) on the secretary, clerk or principal officer of that body,
- (d) if the person is a partnership, by serving it in accordance with sub-paragraph (a) or (b) on a partner or a person having the control or management of the partnership business, or
- (e) by means of any form of electronic communication agreed with the person to whom it is to be sent.

(2) For the purposes of paragraph (1) and of section 7 of the Interpretation Act 1978(a) (service of documents by post) in its application to this regulation, the proper address of a person is—

- (a) in the case of an individual, that person's last known address,
- (b) in the case of the secretary, clerk or principal officer of a body corporate, the address of the registered office of the body or its principal office in the United Kingdom,
- (c) in the case of a partner in, or a person having the control or management of, a partnership, it is the address of the principal office of the partnership in the United Kingdom,

subject to paragraph (3).

(3) If a person to be served by virtue of these Regulations with any document by the approval authority has notified the approval authority of an address within the United Kingdom other than

(a) 1978 c.30.

that person's proper address at which that person, or another acting on that person's behalf, will accept service of any document of that description, that address is the person's proper address.

Provision of testing stations

39. The approval authority may provide and maintain stations where examinations of vehicles and of components of such vehicles to which these Regulations apply may be carried out for the purposes of these Regulations and may provide and maintain apparatus for carrying out such examinations.

Designation of technical services

40. Where the approval authority designates a technical service the authority must comply with the requirements of articles 41 to 43 of the Framework Directive.

Saving for applications made under the 1998 Regulations

41. An application for an EC type approval made under the 1998 Regulations before the coming into force of these Regulations has effect as if it had been made under these Regulations.

Signed by authority of the Secretary of State

Date

Name
Minister/Parliamentary Under Secretary of State,
Department for Transport

SCHEDULE 1

Regulation 2

Regulations Revoked

<i>(1) Title of instrument</i>	<i>(2) Number of instrument</i>	<i>(3) Extent of revocation</i>
The Motor Vehicles (EC Type Approval) Regulations 1998	1998/2051	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 1999	1999/778	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 1999	1999/2324	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2000	2000/869	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 2000	2000/2730	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2001	2001/2809	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2002	2002/1835	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 2002	2002/2743	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2003	2003/1019	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 2003	2003/2428	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2004	2004/73	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 2004	2004/2186	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2005	2005/2454	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2006	2006/142	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 2006	2006/1695	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) (No. 3) Regulations 2006	2006/2409	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) (No. 4) Regulations 2006	2006/2816	[The whole instrument]
The Motor Vehicles (EC Type Approval) (Amendment) Regulations 2007	2007/855	[The whole instrument]

SCHEDULE 2

Regulation 3(1)

Regulatory Acts

[This Schedule will list any Directives or Regulations which are adopted before April 29th 2009 but not added to Annex IV or XI of the Framework Directive. It may not be needed.]

SCHEDULE 3

Regulations 5(7), 6(5) and 7(5)

Transitional Provisions

PART 1

Application of Regulations to Vehicles other than Vehicles in Category M₁ other than Ambulances or Motor Caravans

1. In this Part—

“existing type of vehicle” means a type of vehicle—

- (a) in respect of which a national type approval certificate or a single vehicle approval certificate is granted before the mandatory new types date, or
- (b) which is or has been in production before the mandatory new types date and for which no national type approval requirements have been prescribed at that date;

“existing types date”, in relation to a class of vehicle described in column (1) of the Table, means the date specified in column (3) of the Table in relation to that class;

“mandatory new types date”, in relation to a class of vehicle described in column (1) of the Table, means the date specified in column (2) of the Table in relation to that class;

“national type approval certificate” means a certificate issued under—

- (a) section 55(2) of the 1988 Act, or
- (b) article 31A(2) of the 1981 Order^(a);

“national type approval requirements” means requirements prescribed under—

- (a) section 54(1) of the 1988 Act, or
- (b) article 31A(1) of the 1981 Order;

“new type of vehicle” means a type of vehicle other than an existing type of vehicle;

“scope provisions” means paragraphs (1), (3), (4), (5) and (6) of regulation 5;

“single vehicle approval certificate” means—

- (a) a Minister’s approval certificate issued in accordance with section 58(1) or (4) of the 1988 Act, or
- (b) a Department’s approval certificate issued in accordance with article 31A(4) or (5) of the 1981 Order;

“Table” means the table at the end of this Schedule;

(a) Article 31A was inserted by S.I. 1985/755 (N.I.6) and amended by S.I. 1995/2994 (N.I.18), S.R.(NI) 1993/246 and S.I. 2003/1099.

“type of vehicle” means—

- (a) a class of vehicles in a vehicle category the members of which do not differ in at least the essential respects specified in Section B of Annex II to the Framework Directive, including variants or versions of that class as defined in Section B of Annex II, and
- (b) a particular vehicle which is not a member of any class of that description.

2. The scope provisions have effect with respect to—

- (a) a class of vehicles in category M₁ other than ambulances or motor caravans,
- (b) a class of vehicles in a category other than category M₁, and
- (c) a particular vehicle of any class described in paragraph (a) or (b),

in accordance with paragraphs 3 and 4.

3.—(1) The scope provisions have effect with respect to a new type of vehicle of a class described in column (1) of the Table beginning on the mandatory new types date.

(2) The scope provisions have effect with respect to an existing type of vehicle of a class described in column (1) of the Table beginning on the existing types date.

(3) Sub-paragraphs (1) and (2) are subject to paragraph 4.

4.—(1) Subject to sub-paragraph (2), if a person makes an application under regulation 12, 24 or 27—

- (a) before the mandatory new types date requesting type approval for a new type of vehicle or individual approval of a particular vehicle of a new type, or
- (b) before the existing types date requesting type approval for an existing type of vehicle or individual approval of a particular vehicle of an existing type,

the scope provisions have effect with respect to that type of vehicle or, as the case may be, the particular vehicle from the time the application is made.

(2) Sub-paragraph (1) does not apply in the case of an application made under regulation 27 if it relates to—

- (a) a vehicle in category N₁, or
- (b) a vehicle which at the time of the application is registered under the 1994 Act or, if not so registerable, has been put into service on the road.

Table: Dates from which Regulations have effect

(1) Vehicle category and description	Dates from which Regulations have effect:	
	(2) New types of vehicle	(3) Existing types of vehicle
Special purpose vehicles in category M ₁ which are ambulances or motor caravans	29th April 2011	29th April 2012
Incomplete and complete vehicles in categories M ₂ and M ₃	29th April 2009	29th October 2010
Completed vehicles in categories M ₂ and M ₃	29th April 2010	29th October 2011
Incomplete and complete vehicles in category N ₁	29th October 2010	29th October 2011
Completed vehicles in category N ₁	29th October 2011	29th April 2013
Incomplete and complete vehicles in categories N ₂ , N ₃ , O ₁ , O ₂ , O ₃ and O ₄	29th October 2010	29th October 2012
Completed vehicles in categories N ₂ , N ₃ ,	29th October 2012	29th October 2014
Completed vehicles in categories	29th October 2011	29th October 2013

PART 2

Temporary Alternative Conditions and Exemption for the Purposes of Regulation 6

1.—(1) For the purposes of regulation 6 the alternative conditions may be satisfied where the application under section 21 of the 1994 Act relates to a vehicle of a class in category M₁ other than an ambulance or motor caravan.

(2) The alternative conditions are that the applicant has shown that either paragraph 2 or paragraph 3 applies.

2.—(1) This paragraph applies where—

- (a) the vehicle is manufactured on or after 29th April 2009,
- (b) a single vehicle approval certificate was issued before 29th April 2009 in respect of a vehicle of the same type,
- (c) a single vehicle approval certificate issued under either—
 - (i) section 58(4) of the 1988 Act, or
 - (ii) article 31A(5) of the 1981 Order,has effect with respect to the vehicle, and
- (d) not more than 74 vehicles of the same type manufactured on or after 29th April 2009 have been registered since the commencement of the relevant period.

(2) In this paragraph, “relevant period” means—

- (a) in 2009, the period commencing on 29th April and ending on 31st December, and
- (b) thereafter, the period of one year commencing on 1st January.

3. This paragraph applies where—

- (a) the vehicle is manufactured on or before 28th April 2009,
- (b) a single vehicle approval certificate has effect with respect to the vehicle, and
- (c) the application is made not later than 28th October 2009.

4.—(1) For the purposes of regulation 6, the temporary exemption applies where—

- (a) the application under section 21 of the 1994 Act relates to an existing type of vehicle of a class in category M₂ or M₃,
- (b) the manufacture of that vehicle is completed not later than the relevant date, and
- (c) the application is made later than the existing types date.

(2) In this paragraph “relevant date” means—

- (a) in the case of a vehicle manufactured in one stage, 29th July 2010, and
- (b) in the case of a vehicle manufactured in more than one stage, 29th July 2011.

5. In this Part—

“existing type of vehicle” means a vehicle of a type which is in production immediately before the mandatory new types date,

“existing types date”, “mandatory new types date” and “single vehicle approval certificate” have the meanings given in Part 1 of this Schedule.

PART 3

Alternative Requirements for the Purposes of Regulation 7

- 1.—(1) For the purposes of regulation 7(3), the alternative conditions apply if—
 - (a) the trailer for which consent is sought is an existing type of vehicle, and
 - (b) the requirements of either of the cases specified in paragraph 2 are satisfied.(2) The alternative conditions are that—
 - (a) 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 or will be paid or remitted, and
 - (b) there is otherwise no lawful reason for refusing to give consent.
2. The cases are as follows—

Case 1	(a) the trailer is manufactured in one stage, and (b) its manufacture is completed not later than 29th July 2012,
Case 2	(a) the trailer is manufactured in more than one stage, and (b) its manufacture is completed not later than 29th July 2013,
3. The alternative information for the purposes of regulation 10 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 date of supply, and
 - (f) the name and address of the purchaser.
4. In this Part—

“existing type of vehicle” means a trailer of a type which is in production immediately before the mandatory new types date, and

“mandatory new types date” has the meaning given in Part 1 of this Schedule.

SCHEDULE 4

Regulation 25(3)

Technical and Administrative Requirements for Issue of National Small Series Type Approval

PART 1

Requirements for Vehicles of Category M₁

[Table of technical requirements to be inserted here using the style in Part 3.]

PART 2

Requirements for Vehicles of Category N₁

[Table of technical requirements to be inserted here using the style in Part 3.]

PART 3

Requirements for Vehicles of Categories M₂, M₃, N₂, N₃ and O

<i>1. Application</i>	<i>2. Requirement</i>	<i>3. Definitions and supplementary provisions</i>	<i>4. Exemptions and modifications</i>
1. Noise M2, M3, N2, N3	The technical provisions of Annex I to Directive 70/157/EEC as last amended by Directive 2007/34/EC Or Paragraph 6 to UNECE Regulation 51.02 Or Vehicles subject to IVA, and for which an approval or test report has been issued prior to modification of the exhaust system down stream of the last silencer, a Stationary Noise Test is permitted.	A Stationary Noise Test means: (a) a stationary test as defined in paragraphs 3.2.5.3.1 and 3.2.5.3.2 of Annex 3 to UNECE Regulation 51 and shall not exceed 101dB(A) at 0.5m; and (b) in the case of vehicles having a maximum permissible mass exceeding 2800kg fitted with a modified air brake system, a test report is required to paragraph 5.4 of Annex I to Directive 70/157/EC except that this shall not apply if air brake silencers are fitted.	1. UNECE Regulation 51, Annex 5, paragraphs 1.1, 1.2, and 1.3 shall not apply. 2. In the case of a Motor-caravan, Ambulance, or Hearse, the requirements according to the base/incomplete vehicle may apply. In the case of an incomplete/completed vehicle, it is acceptable that the requirement for vehicles of the corresponding category N (based on maximum mass) are satisfied. 3. If a Motor-caravan, Ambulance, Hearse, or Other special purpose vehicle is type approved in accordance with column 2 and the exhaust system is subsequently modified after the last silencer by not more than 2m in

length, no further test is required.

6. In the case of a Mobile crane point 5.2.2.1 of Annex I to Directive 70/157/EEC as amended by Directive 84/424/EEC, the following limit values are applicable:
 81 dB(A) for vehicles with an engine power of less than 75 kW
 83 dB(A) for vehicles with an engine power of not less than 75 kW but less than 150 kW
 84 dB(A) for vehicles with an engine power of not less than 150 kW.

2. Emissions (Light Duty Vehicles)

Where applicable, N2 & M2 vehicles.

The technical provisions of paragraph 5 of Annex I to Directive 70/220/EEC as last amended by Directive 2003/76
 Or
 UNECE Regulations 83.05
 Or
 Regulation (EC) No. 715/2007

OBD means: On-Board Diagnostic systems

1. As from 1st Sep 2010 in the case of new types of N2 vehicles, seeking small series national type approval must comply with Regulation (EC) No. 715/2007.

2. As from 1st Jan 2012 in the case of N2 vehicles, manufactured after that date seeking individual vehicle approval must comply with Regulation (EC) No. 715/2007.

3. Vehicles of category M2 are excepted from the requirements of OBD.

4. Does not apply to vehicles approved to item 41.

5. Modification of exhaust system length after the last silencer is permissible without any further test.

6. In the case of a Motor-caravan, Ambulance, or Hearse, the requirements according to the base/incomplete vehicle may apply. In the case of

an incomplete/completed vehicle, it is acceptable that the requirement for vehicles of the corresponding category N (based on maximum mass) are satisfied.

7. In the case of a Motor-caravan, Ambulance, Hearse, or Other special purpose vehicle, an EC type-approval issued to the most representative base vehicle remains valid irrespective of change in reference weight.

8. In the case of Armoured vehicles exemption from one or more of the provisions in column 2 is permissible where it can be demonstrated to the satisfaction of the Approval Authority that the special purpose of the vehicle makes it impossible to fully comply.

[Followed by remaining requirements]

SCHEDULE 5

Regulation 27(7)

Technical and Administrative Requirements for Issue of Individual Approval

PART 1

General Provisions

Requirements applicable

1. The technical requirements which must be met by Part 2 vehicles are the requirements specified in Part 2 of this Schedule.
2. The technical requirements which must be met by Part 3 vehicles are—
 - (a) the requirements specified in Part 3 of this Schedule, and
 - (b) the requirements specified in Part 2 of this Schedule in the subject areas which are not listed in Part 3.
3. The technical requirements which must be met by vehicles other than Part 2 or Part 3 vehicles are the requirements specified in Part 4 of this Schedule.

Interpretation

4. In this Schedule—

“armoured vehicle” has the same meaning as in paragraph 5.2 of Part A of Annex II to the Framework Directive

“hearse” has the same meaning as in paragraph 5.4 of Part A of Annex II to the Framework Directive;

“multi-purpose vehicle” means a vehicle intended for the carriage of both passengers and their luggage or goods and falling within category M₁ or N;

“other special purpose vehicle” means a special purpose vehicle other than a vehicle of a kind defined in paragraph 5 of Part A of Annex II to the Framework Directive;

“Part 2 vehicle” means a relevant vehicle of a class which falls within category N₁ or M₁ and is—

- (a) a personally imported vehicle within the meaning of paragraph 4,
- (b) an amateur built vehicle within the meaning of paragraph 5,
- (c) a vehicle manufactured in very low volume within the meaning of paragraph 6,
- (d) a vehicle manufactured using parts from a registered vehicle within the meaning of paragraph 7,
- (e) a rebuilt vehicle within the meaning of paragraph 8,
- (f) a left hand drive vehicle,
- (g) a motor caravan,
- (h) an armoured vehicle,
- (i) an ambulance, or
- (j) a hearse;

“Part 3 vehicle” means a vehicle of a class which falls within category M₁ and N₁ but which is not a Part 2 vehicle;

“wheelchair accessible vehicle” has the meaning given in paragraph 5.5 of Part A of Annex II to the Framework Directive.

5.—(1) A vehicle is a personally imported vehicle if either the conditions in sub-paragraph (2) or those in sub-paragraph (3) are satisfied (A being, in the following sub-paragraphs, the applicant for individual approval).

(2) The conditions in this sub-paragraph are satisfied if—

- (a) the vehicle has been imported by A upon entry into the United Kingdom,
- (b) A had, prior to the time the vehicle was imported, been normally resident in a country other than the United Kingdom for a continuous period of at least 12 months,
- (c) A intends to become normally resident in the United Kingdom,
- (d) the vehicle has been in the possession of and used by A in the country where A was normally resident for a period of at least 6 months before its importation, and
- (e) the vehicle is intended for A’s personal or household use in the United Kingdom.

(3) The conditions in this sub-paragraph are satisfied if—

- (a) A is a serving member of the Armed Forces and intends to import it into the United Kingdom within 12 months of the date of the application for individual approval;
- (b) at the time of that application A has been normally resident in a country other than the United Kingdom for a continuous period of at least 12 months; and
- (c) paragraphs (c) to (e) of sub-paragraph (2) are satisfied.

(4) Subject to sub-paragraphs (5) to (7), for the purposes of this paragraph A is to be treated as being normally resident in a country if—

- (a) A usually lives in that country for a period of, or periods together amounting to, at least 185 days in a period of 12 months; and
- (b) that period, or those periods, of residence occur because of A's occupational and personal ties to that country.

(5) Where A has no occupational ties, sub-paragraph (4)(b) does not apply provided that A's personal ties show close links with that country.

(6) Where A has occupational ties in one country and personal ties in a second country, A is to be treated, for the purposes of this paragraph, as being normally resident in that second country if either—

- (a) A's stay in the first country is in order to carry out a task of a definite duration, or
- (b) A returns regularly to the second country.

(7) But if A is a United Kingdom citizen whose personal ties are in the United Kingdom and whose occupational ties are in a country other than the United Kingdom, A is to be treated as normally resident in that other country if A has lived there for a period of, or periods together amounting to, at least 185 days in the period of 12 months immediately preceding the date of entry into the United Kingdom.

(8) In this paragraph, "serving member of the Armed Forces" means a person who is employed by Her Majesty's air forces, Her Majesty's military forces or Her Majesty's naval forces but who is not a serving member of any of the reserve forces.

6.—(1) A vehicle is an amateur built vehicle if—

- (a) the vehicle was—
 - (i) constructed or assembled or
 - (ii) having previously been registered under the 1994 Act, structurally modified,
 for the personal use of a person (R) who is a relevant individual, and
- (b) the whole, or a substantial part, of the construction, assembly or modification was carried out—
 - (i) by R,
 - (ii) by one or more relevant individuals acting on behalf, and under the direction, of R, or
 - (iii) by R and one or more relevant individuals acting on behalf, and under the direction, of R.

(2) For the purposes of this paragraph, a relevant individual in relation to a motor vehicle is an individual who does not, at any time during the period when the construction or assembly of the vehicle was being carried out, carry on a business in the course of which motor vehicles are normally constructed, assembled or modified.

7.—(1) A vehicle is a vehicle manufactured in very low volume if the condition in sub-paragraph (2) is satisfied.

(2) The condition is that the total number of vehicles of the family of types to which the vehicle in question belongs which are manufactured in the world during any period of 12 months falling within the period of 36 months immediately preceding the month in which the vehicle was manufactured does not exceed 300.

8. A vehicle is a vehicle manufactured using parts of a registered vehicle if—

- (a) it is constructed or assembled by a person carrying on a business in the course of which motor vehicles are normally constructed or assembled;
- (b) it is equipped with an engine which has previously been used as the engine of another vehicle which had been registered under the 1994 Act or any earlier Act providing for the licensing and registration of mechanically propelled vehicles; and
- (c) it is equipped with one or more of the following components taken from the same vehicle as the engine—

- (i) chassis,
- (ii) body,
- (iii) suspension,
- (iv) an axle;
- (v) transmission, or
- (vi) steering assembly.

9.—(1) A vehicle is a rebuilt vehicle if it—

- (a) is a vehicle to which the approval authority is required to assign a vehicle identification number,
- (b) is not an amateur built vehicle or a vehicle manufactured using parts of a registered vehicle, and
- (c) has been rebuilt using a replacement chassis, or an integral chassis body, which is of the same design and construction as that of the original vehicle and which—
 - (i) was supplied for the purpose without having been previously used, or
 - (ii) previously formed part of a vehicle registered under the 1994 Act or any earlier Act providing for the licensing and registration of mechanically propelled vehicles.

(2) For the purposes of sub-paragraph (1) the approval authority is required to assign a vehicle identification number to a vehicle where it appears to the authority upon receipt of an application under regulation 27 that the vehicle does not have a vehicle identification number which—

- (a) satisfies the requirements set out in paragraph 3 of the Annex to Council Directive 76/114/EEC(a),
- (b) has previously been assigned under this Schedule, or
- (c) if it does not fall within paragraph (a) or (b), is adequate for the purpose of enabling the vehicle to be identified.

10. For the purpose of determining whether a multi-purpose vehicle falls into category M₁ or N, if the manufacturer so requests a vehicle which has—

- (a) 4 or more seats,
- (b) a load area not exceeding 40% of its length, and
- (c) a maximum technically permissible mass not exceeding 6500 kilogrammes,

may be categorised as M₁.

PART 2

Requirements for Part 2 Vehicles

[Basic IVA requirements for M₁ and N₁ to be listed here using the style in Schedule 4.]

PART 3

Requirements for Part 3 Vehicles

[Requirements for full IVA applying instead of basic IVA requirements to be listed here using the style in Schedule 4.]

(a) OJ No L24, 30.1.1976, p.1. The relevant amendments are by Commission Directive 78/507/EEC (OJ No L155, 13.6.1978, p.31).

PART 4
Requirements for Other Vehicles

[Requirements for all other vehicles to be listed here using the style in Schedule 4.]

SCHEDULE 6

Regulation 28

Form of Certificates: National Small Series Type Approval and
Individual Approval

PART 1
National Small Series Type Approval Certificate

[Form of certificate to be shown here.]

PART 2
Individual Approval Certificate

[Form of certificate to be shown here.]

PART 3
National Small Series Certificates of Conformity

1. Complete or completed vehicles of category M₁

[Side 1]

0.1 Make (Trade name of manufacturer):

0.2 Type:
variant (2):
version (2):

0.2.1 Commercial name(s):

0.4 Category:

0.5 Name and address of the
manufacturer of the base vehicle:
Name and address of the
manufacturer of the latest built stage
of the vehicle (1):

0.6 Location of the statutory plates:
Vehicle identification number:
Location of the vehicle identification
number on the chassis:
Based upon the type(s) of vehicle
described in EC type-approval (1)
Base Vehicle:
Manufacturer:
EC type-approval number:
Dated:

Stage 2: Manufacturer:
 EC type-approval number:
 Dated:
 conforms in all respects to the
 complete/completed (1) type
 described in
 EC type-approval number:
 Dated:
 The vehicle can be permanently
 registered without further EC type-
 approvals in
 Member States having right/left (2)
 hand traffic and using metric/imperial
 (3) units for the speedometer.
 (Place) (Date):
 (Signature) (Position)
 Attachments (only applicable to
 multi-stage vehicle types):

Certificate of conformity for each stage.

[Side 2]

1.	Number of axles:	#
	and wheels:	#
3.	Wheelbase: ...	mm
6.1.	Length:	mm
7.1.	Width:	mm
12.1.	Mass of the vehicle with bodywork in running order (Kerb mass):	Kg
14.1.	Technically permissible maximum laden mass (GB Mass):	Kg
17.	Maximum mass of trailer (braked):	Kg
	(unbraked):	Kg
21.1	Engine identification number:	
23.	Number and arrangement of cylinders:	
24.	Capacity:	cm ³
25.	Fuel:	
26.	Maximum net power:	kW at min ⁻¹
35.	Brief description of the braking system:	
37.	Type of body:	
38.	Colour of vehicle:	
42.1	Number and position of seats:	
45	Sound level - Number of the base regulatory act and latest amending regulatory act applicable to the approval. In case of a regulatory act with two or more implementation stages, indicate also the implementation stage: Drive-by: Stationary:	 dB(A) dB(A)

	at engine speed:						min ⁻¹
46.1	Exhaust emissions (2): Number of the base regulatory act and latest amending regulatory act applicable to the EC type-approval. In case of a regulatory act with two or more implementation stages, indicate also the implementation stage: 1. Test procedure: Smoke value is the corrected value of absorption coefficient (m ⁻¹)	CO	HC	NO _x	HC + NO _x	Partic- ulates	Smoke (m ⁻¹)
	2. Test procedure (if applicable)	CO	HC	NO _x	HC + NO _x	Partic- ulates	Smoke (m ⁻¹)
46.2	CO ₂ emissions and fuel consumption: CO ₂ emissions (g/km) Fuel consumption (l/100km / m ³ /100km (2))	Urban			Extra urban	Combined	
50.	Remarks (3):						
51.	Exemptions:						

[Certificates for other categories will follow.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive 2007/46/EC of the European Parliament and Council establishing a framework for the approval of motor vehicles and trailers and of systems, components and separate technical units intended for such vehicles, known as the “Framework Directive” (OJ No L263, 9.10.2007, p.1). They extend to the whole of the United Kingdom.

Part 1 (regulations 1 to 5) provides for general matters.

Regulations 3 and 4 define terms used in the Regulations, both general and those specifically concerning vehicles.

Regulation 5 specifies which types of vehicle the Regulations apply to. It provides for exemptions, optional application and, with *Part 1 of Schedule 3*, for the gradual application of the Regulations to vehicles other than category M₁ vehicles.

Part 2 (regulations 6 to 11) prescribes conditions relating to vehicle approval which must be satisfied before a vehicle may be registered or put into service on a road in the United Kingdom.

Regulation 6 provides that a motor vehicle may not be registered or granted a first licence unless covered by an appropriate approval. It also introduces *Part 2 of Schedule 3* which provides for alternative conditions to apply during a transitional period.

Regulations 7 to 10 prescribe the conditions to be satisfied by trailer suppliers. They provide that a large trailer may not be put into service unless the approval authority (the Secretary of State) has given consent and that consent may only be given if the vehicle is covered by an appropriate approval. They further provide that a record of “pertinent information” must be kept for each trailer, in the case of a large trailer by the approval authority and in the case of a small trailer by or on behalf of the supplier. With *Part 3 of Schedule 3* they provide for the application of alternative conditions during a transitional period.

Regulation 11 creates offences of supplying and using trailers without complying with prescribed conditions.

Part 3 (regulations 12 to 23) makes provision for EC type approvals and related matters.

Regulation 12 provides for applications for type approvals by reference to Directive 2007/46/EC and *regulation 13* provides for the approval procedure and prescribes (also by reference to that Directive) the requirements which must be fulfilled for the grant of EC type approval. *Regulation 14* provides for amendment to approvals. *Regulation 15* requires manufacturers of vehicles which are type approved to issue certificates of conformity in the prescribed form. *Regulations 16 and 17* provide for conformity of production procedures to be observed and *regulation 18* for manufacturers of vehicles and equipment to co-operate by the appropriate exchange of safety information. *Regulation 19* provides for the withdrawal or suspension of EC type approval in the event breach of the requirements as to conformity of production. *Regulation 20* makes special provision for type approval of vehicles produced in small numbers (“small series”). *Regulations 21 to 23* provide for cases where parts or equipment may compromise safety and for the recall of vehicles which are a risk to public safety or the environment.

Part 4 (regulations 24 to 28) makes provision for vehicle approvals which are valid in the United Kingdom only and for related matters.

Regulation 24 provides for applications for national type approval of vehicles produced in small numbers (small series). *Regulation 25* provides for the type approval procedure and prescribes, with *Schedule 4*, the technical requirements which must be fulfilled for the grant of such approvals. It also makes provision for conformity of production and the issue of certificates of conformity, the numbers of vehicles which may be produced being limited according to the type of vehicle in question (limits being specified in a table). *Regulation 26* specifies the procedure for recognition of national type approvals issued in other Member States. *Regulation 27* provides for

individual approval of particular vehicles by the approval authority, including the recognition of vehicles approved under the national regimes of other Member States and, with *Schedule 5*, prescribes the technical requirements which must be fulfilled for the grant of such approvals. *Regulation 28*, with *Schedule 6*, prescribes the forms of national certificates.

Part 5 (regulations 29 to 32) makes provision about the validity of type approvals.

Regulation 29 specifies the circumstances in which EC type approvals cease to be valid and *regulation 30* the circumstances in which national small series type approvals cease to be valid. *Regulations 31 and 32* provides for “end-of-series” vehicles, i.e. vehicles which have been produced in conformity with either an EC or national type approval which has since ceased to be valid. With the consent of the approval authority vehicles manufactured 3 months or more before the date when the type approval ceased to be valid may be registered for a specified period after that date (12 or 18 months according to the number of stages of manufacture).

Part 6 (regulations 33 to 41) makes provision for miscellaneous matters.

Regulation 33 creates offences of forgery of approvals and certificates of conformity and of making false statements, supplying false information or using a false document (e.g. a record of test results) for the purposes of the Regulations. *Regulation 34* empowers the approval authority to enter premises used for a purpose connected with the Regulations to inspect those premises and any vehicles, documents, data and so on found on them, to copy data found on the premises and to remove items from the premises when necessary. *Regulation 35* provides for the issue of duplicate certificates to replace those lost or destroyed, *regulation 36* imposes a duty on the approval authority to give reasons when issuing notice of specified decisions, *regulation 37* provides for the review of such decisions and *regulation 38* for the services of notices under the Regulations. *Regulations 39 and 40* provide for some minor matters and *regulation 41* makes a saving for applications made under the Motor Vehicles (EC Type Approval) Regulations 1998 which are now revoked.

A full Impact Assessment of the effect this instrument will have on the costs of the business, voluntary and public sectors has been produced and is available from [*the Transport Technology and Standards Division, Department for Transport, Zone [] Great Minster House, 76 Marsham Street, London SW1P 4DR*] or may be accessed via the Department’s website at www.dft.gov.uk. a copy has been placed in the library of each House of Parliament.

A Transposition Note is also available and may be accessed as above.

A copy of Directive 2007/46/EC may be obtained from the Office of Public Sector Information or viewed in the Official Journal of the European Union via the EU website at <http://europa.eu.int/eur-lex>.