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STATUTORY INSTRUMENTS

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**2022 No. 1273**

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

PART 4

EU Regulations

CHAPTER 2

Other EU Regulations

**Regulation (EC) No 661/2009**

55.—(1) Regulation (EC) No 661/2009 is amended as follows.

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

(3) In Article 3 (definitions), for “Directive 2007/46/EC”, substitute “Regulation (EU) 2018/858”.

(4) In Article 4 (general obligations)—

- (a) in paragraph 1, for “the Community” substitute “Great Britain”;
- (b) in paragraph 2, for “EC” substitute “GB”;
- (c) in paragraph 3, for “the Community” substitute “Great Britain”.

(5) In Article 12(2) (electronic stability control systems), in the opening words and in point (b), for “Section A of Annex II to Directive 2007/46/EC” substitute “Part A of Annex I of Regulation (EU) 2018/858”.

(6) In the heading to Chapter III, for “Member States” substitute “approval authority”.

(7) In Article 13 (type-approval of vehicles, components and separate technical units)—

(a) in paragraph 1—

- (i) for “national authorities” both times it occurs, substitute “the approval authority”;
- (ii) for “EC type-approval or national type-approval”, both times it occurs, substitute “GB type-approval”;

(b) in paragraph 2—

- (i) in the opening words, for “national authorities” substitute “the approval authority”;
- (ii) in point (a), for “EC type-approval or national type-approval” substitute “GB type-approval”;
- (iii) in point (b), for “EC” substitute “GB”;

(c) in paragraph 3—

- (i) for “national authorities” both times it occurs, substitute “the approval authority”;
- (ii) in the first sub-paragraph, for “EC” substitute “GB”;
- (iii) in the second sub-paragraph, for “EC type-approval or national type-approval” substitute “GB type-approval”;
- (d) in paragraphs 4, 5, 6, 8, 9, 10, 13, and 15, for “national authorities”, substitute “the Secretary of State”;
- (e) in paragraphs 4, 5(a), 6(a), 9(a), 10(a) and 13, for “Article 26 of [Directive 2007/46/EC](#)” substitute “Article 48 of Regulation (EU) 2018/858”;
- (f) in paragraph 7—
  - (i) for “national authorities” substitute “the approval authority”;
  - (ii) for “EC” substitute “GB”;
- (g) in paragraph 8, for “EC-type-approval or national type-approval” substitute “GB type-approval”;
- (h) in paragraph 12, for “EC-type-approval or national type-approval” substitute “GB type-approval”;
- (i) in paragraph 14—
  - (i) in the first subparagraph—
    - (aa) for “National authorities shall” substitute “The Secretary of State must”;
    - (bb) after “3 and” insert “the approval authority must”;
  - (ii) in the second sub-paragraph—
    - (aa) for “National authorities shall” substitute “The Secretary of State must”;
    - (bb) after “service of, and” insert “the approval authority must”;
    - (cc) for “EC type-approval” substitute “GB type-approval”;
- (j) in paragraph 15(a)—
  - (i) for “EC-type-approval or national type-approval” substitute “GB type-approval”;
  - (ii) for “EC component” substitute “GB component”.
- (8) In Article 14 (implementing measures)—
  - (a) in paragraph 1, in the opening words, for “Commission shall” substitute “Secretary of State may by regulations”;
  - (b) in point (b), omit “within or between Member States”;
  - (c) in point (f), for “that are mandatory under Article 4(4) of [Decision 97/836/EC](#)” substitute “which the United Kingdom has voted in favour of”;
  - (d) omit paragraph 2;
  - (e) in paragraph 3—
    - (i) in the opening words, for “Commission may” substitute “Secretary of State may by regulations”;
    - (ii) omit point (b);
  - (f) omit paragraph 4.
- (9) For Article 15 (committee procedure), substitute—

*“Article 15*

*Regulations*

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
  2. Such regulations may—
    - (a) make incidental, supplemental, consequential or transitional provision, and
    - (b) make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas.
  3. Before making any regulations in accordance with this Article, the Secretary of State must consult with such representative organisations as the Secretary of State thinks fit.
  3. A statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (10) Omit Articles 16 and 17.
- (11) After Article 20, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (12) In Annex IV, in the notes to the table—
- (a) in the second paragraph, for “Articles 26 and 28 of Directive 2007/46” substitute “Articles 48 and 50 of Regulation (EU) 2018/858”;
  - (b) in the final sentence of the third paragraph—
    - (i) for “national authorities” substitute “the Secretary of State”;
    - (ii) for “Article 26 of Directive 2007/46/EC” substitute “Article 48 of Regulation (EU) 2018/858”;
  - (c) in note (a), for “EC” substitute “GB”;
  - (d) in note (f), in the opening words, for “point 2.11.5 of Annex I to Directive 2007/46/EC” substitute “point 1.9 of Annex I to Commission Implementing Regulation (EU) 2020/683”;
  - (e) in note (h), for “an EC” substitute “a GB”.