

1993 No. 246

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (EC Type Approval) Regulations
(Northern Ireland) 1993***Made* *21st May 1993**Coming into operation in accordance with regulation 1(2)*

The Department of the Environment, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme, in exercise of the powers conferred by that section and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Motor Vehicles (EC Type Approval) Regulations (Northern Ireland) 1993.

(2) These Regulations shall come into operation on 1st July 1993 except for regulations 7 and 8 which come into operation on 1st January 1996.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendments

3. The Road Traffic (Northern Ireland) Order 1981(d) shall be amended in accordance with regulations 4 to 8.

Definitions

4. In Article 31A(7) of that Order (approval of design, construction, etc., of motor vehicles)—

(a) for the words “Articles 31B to 31D” there shall be substituted “Articles 31B-31G”;

(a) S.I. 1972/1811

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) S.I. 1981/154 (N.I. 1); Articles 31A-E were inserted by S.I. 1985/755 (N.I. 6) Article 3

(b) before the definition of “conform” there shall be inserted the following definition—

“ “certificate of conformity” (except in the expression “EC certificate of conformity”) means a certificate issued under paragraph (3);”;

(c) after the definition of “conform” there shall be inserted the following definitions—

“ “EC certificate of conformity” means any certificate of conformity issued by a manufacturer—

(a) under regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(b) under any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive, which is expressed to be a certificate for a complete or completed vehicle;

“light passenger vehicle” means any motor vehicle which—

(a) has at least 4 wheels,

(b) is equipped with an internal combustion engine,

(c) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,

(d) has no more than 8 seats in addition to the driver’s seat, and

(e) has a maximum design speed exceeding 25 kilometres per hour,

but does not include a quadricycle within the meaning of Article 1(3) of the motorcycle type approval Directive or a vehicle produced by the Fire Authority for Northern Ireland for the purposes of the fire brigade under The Fire Services (Northern Ireland) Order 1984;

“the light passenger vehicle type approval Directive” means 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 by Council Directive 87/403/EEC of 25th June 1987 and Council Directive 92/53/EEC of 18th June 1992;

“the motorcycle type approval Directive” means Council Directive 92/61/EEC of 30th June 1992 relating to the type approval of two or three-wheel motor vehicles.”.

Conditions for grant of excise licences

5. In Article 31D of that Order (regulations) after paragraph (3) there shall be inserted the following paragraph—

“(3A) The requirement set out in sub-paragraph (a) of paragraph (3) shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity has effect with respect to the vehicle.”.

Certain offences not committed where EC certificate of conformity has effect

6. In Article 31E of that Order (offences, etc., relating to type approval)—

- (a) after paragraph (1) there shall be inserted the following paragraph—
 - “(1A) For the purposes of paragraph (1) a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.”; and
- (b) after paragraph (5) there shall be inserted the following paragraph—
 - “(5A) For the purposes of paragraph (5) a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.”.

Obligation to hold EC certificate of conformity for certain unregistered vehicles

7. After Article 31E of that Order there shall be inserted the following Articles—

“Failure to hold EC certificate of conformity for unregistered light passenger vehicle

31F.—(1) Subject to paragraphs (2) to (5), if a person uses on a road a light passenger vehicle—

- (a) which has not been registered—
 - (i) under section 19 of the Vehicles (Excise) Act 1971, or
 - (ii) under the law of a member State other than the United Kingdom, and
- (b) in respect of which no EC certificate of conformity has effect, he shall be guilty of an offence under this Order.

(2) A person shall not be convicted of an offence under paragraph (1) in respect of the use of a vehicle if he proves—

- (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
- (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

(3) This Article does not apply in relation to a vehicle in respect of which a Department’s approval certificate issued under Article 31A(4) of this Order or a Minister’s approval certificate issued under section 58(1) of the Road Traffic Act 1988 has effect.

(4) This Article does not apply to the use of a vehicle under a trade licence (within the meaning of the Vehicles (Excise) Act 1971) in accordance with regulations made under section 16(2) of that Act.

(5) This Article does not apply in relation to a vehicle brought temporarily into Northern Ireland by a person resident outside the United Kingdom.

Light passenger vehicles not to be sold without EC certificate of conformity

31G.—(1) Subject to paragraphs (3) to (6), any person who supplies a light passenger vehicle—

(a) which has not been registered—

(i) under section 19 of the Vehicles (Excise) Act 1971, or

(ii) under the law of a member State other than the United Kingdom, and

(b) in respect of which no EC certificate of conformity has effect, shall be guilty of an offence under this Order.

(2) In this Article references to supply include—

(a) sell,

(b) offer to sell or supply, and

(c) expose for sale.

(3) A person shall not be convicted of an offence under paragraph (1) in respect of the supply of a vehicle if he proves—

(a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

(4) A person shall not be convicted of an offence under paragraph (1) in respect of the supply of a vehicle if he proves—

(a) that it was supplied for export from the United Kingdom to a country which is not a member State, or

(b) that he had reasonable cause to believe—

(i) that it would not be used on a road in the United Kingdom or any other member State, or

(ii) that it would not be so used until an EC certificate of conformity had been issued in respect of it.

(5) This Article does not apply in relation to the supply of a vehicle—

(a) to the Crown for naval, military or air force purposes,

(b) for the purposes of the military forces of any country outside the United Kingdom,

(c) to any public authority in the United Kingdom or any other member State for the purposes of civil defence within the meaning of the Civil Defence Act 1948,

(d) to the Police Authority for Northern Ireland for police purposes, or

(e) to any public authority in a member State outside the United Kingdom which has responsibilities for maintaining public order.

(6) This Article does not apply in relation to a vehicle in respect of which a Department's approval certificate issued under Article 31A(4) of this Order or a Minister's approval certificate issued under section 58(1) of the Road Traffic Act 1988 has effect.

(7) Nothing in paragraph (1) shall affect the validity of a contract or any rights arising under or in relation to a contract."

Prosecution and punishment of offences

8. In Schedule 4 of that Order (table of offences, etc.), after the entry relating to Article 31E there shall be inserted the following entries—

<i>Article of Order</i>	<i>General Nature of Offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>
31F	Failure to hold EC certificate of conformity for unregistered light passenger vehicle.	Summary	A fine of level 3 on the standard scale.
31G	Light passenger vehicles, not to be sold without EC certificate of conformity.	Summary	A fine of level 5 on the standard scale.

Sealed with the Official Seal of the Department of the Environment on 21st May 1993.

(L.S.)

Trevor Pearson

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make amendments to Articles 31A, 31D and 31E of the Road Traffic (Northern Ireland) Order 1981 (“the 1981 Order”) as a consequence of the coming into operation of the Motor Vehicles (EC Type Approval) Regulations 1992 (S.I. 1992/3107) (“the 1992 Regulations”) which implement Council Directive 92/53/EEC of 18th June 1992 (O.J. No. L225, 10.8.92, p. 1) (“the Directive”).

The Directive as read with Council Directives 70/156/EEC of 6th February 1970 (O.J. No. L42, 23.2.70, p. 1) and 87/403/EEC of 25th June 1987 (O.J. No. L220, 8.8.87, p. 44) makes provision for member States to set up a system for granting EC type approval for light passenger vehicles as defined in the Regulations. The Directives contain provisions prohibiting member States registering or permitting the sale or entry into service of such vehicles unless they are accompanied by a valid EC certificate of conformity. They prevent member States refusing the sale or entry into service of vehicles with a valid EC certificate of conformity. They also contain similar provisions for parts of motor vehicles (not limited to parts of light passenger vehicles).

These regulations—

- (a) enable a first licence to be issued for a vehicle with an EC certificate of conformity where this would otherwise have been prevented by Article 31D(3)(a) of the 1981 Order. That provision prevents first licences being issued for certain vehicles unless it appears from certificates issued under Article 31A or any corresponding enactment having effect in Great Britain, that they comply with type approval requirements prescribed under the Order (regulation 5);
- (b) enable a vehicle to be used and sold if an EC certificate of conformity has been issued in respect of it in cases where this would otherwise have been unlawful under Article 31E of the 1981 Order. That Article makes it unlawful to use or sell prescribed classes of vehicles unless appropriate certificates have been issued showing that the vehicle meets prescribed type approval requirements (regulation 6); and
- (c) make it an offence in certain circumstances for a person to use an unregistered light passenger vehicle on a road or to sell such a vehicle if an EC certificate of conformity has not been issued in respect of it. The offence arises in relation to a vehicle if Part III of the 1992 Regulations would prevent the Secretary of State registering it. The offences do not come into force until 1st January 1996 (regulation 7).

Copies of the EEC Directives referred to in these Regulations and in this note can be obtained from Her Majesty's Stationery Office. (The reference for Council Directive 92/61/EEC of 30th June 1992, which is referred to in regulation 4, is O.J. No. L225, 10.8.92, p. 72).