



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Approval of design, construction, equipment and marking of vehicles

55 Type approval certificates.

- (1) Where the Secretary of State is satisfied on application made to him by the manufacturer of a vehicle of a class to which regulations under section 54 of this Act apply and after examination of the vehicle—
- (a) that the vehicle complies with the relevant type approval requirements, and
 - (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,
- he may approve that vehicle as a type vehicle.

^{F1}(1A)

^{F1}(1B)

^{F1}(1C)

- [^{F2}(1D) Where the Secretary of State is satisfied on an application made to the Secretary of State by the manufacturer of a vehicle of a class to which relevant regulations apply—
- (a) that the manufacturer holds in respect of that vehicle a valid relevant European approval, and
 - (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,
- the Secretary of State may approve that vehicle as a type vehicle.

Status: Point in time view as at 31/12/2022.

Changes to legislation: Road Traffic Act 1988, Section 55 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

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

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

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

“relevant European approval” means—

- (a) an EC type-approval certificate, as defined in Article 3(34) of the road vehicles type approval Directive (as it had effect immediately before its repeal),
- (b) an EU type-approval certificate, as referred to in Article 28 of the road vehicles type approval Regulation,
- (c) an EU type-approval certificate, as defined in Article 3(32) of the tractor type-approval Regulation, or
- (d) an EU type-approval certificate, as defined in Article 3(5) of the motorcycle type approval Regulation,

whether issued before IP completion day or, in accordance with that legislation as it has effect in EU law, on or after IP completion day;

“relevant regulations” means—

- (a) regulations made under section 54 of this Act, or
- (b) regulations made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, or of parts of vehicles, or in relation to any vehicle type-approval scheme.]

(2) Where the Secretary of State approves a vehicle as a type vehicle he must issue a certificate (in this Part of this Act referred to as a “type approval certificate”) stating that the vehicle complies with the relevant type approval requirements [^{F3}or (as the case may be) the relevant European type approval requirements,] and specifying—

- (a) the permitted variations from the type vehicle, and
- (b) the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.

[^{F4}(2A) If a type approval certificate is issued for a vehicle following approval under subsection (1D), the certificate is valid for a period of two years beginning with the date on which it is issued (unless it is cancelled or suspended under section 56).]

(3) In the following provisions of this section and in sections 56 to 59 of this Act “conform” means conform in all respects or with any permitted variation.

[^{F5}(4) Subject to subsection (6) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that—

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- (a) one or more, but not all, of the relevant type approval requirements, or
(b) one or more, but not all, of the relevant European type approval requirements,
are complied with in the case of that vehicle.]
- (5) A further type approval certificate may be issued by virtue of subsection (4) above on the application of any person—
- (a) who manufactures any part of the vehicle, or
(b) by whom the vehicle is finally assembled;
- and references in the following provisions of this section and in sections 56 to 59 of this Act to a manufacturer shall be construed accordingly.
- (6) The first type approval certificate issued for a type vehicle by virtue of subsection (4) above must specify the design weights for conforming vehicles, and accordingly—
- (a) so much of subsection (2) above or section 57 (1) to (3) of this Act as requires the Secretary of State or a manufacturer to specify in any certificate under this or that section the design weights or plated weights for a vehicle or as requires the Secretary of State or a manufacturer to mark or secure the marking of the plated weights on a vehicle does not apply to a subsequent type approval certificate issued by virtue of subsection (4) above or to the certificates of conformity issued in consequence of such a type approval certificate, and
(b) so much of section 58 (2) of this Act as requires the Secretary of State to specify in any certificate issued by him the design weights and plated weights for a vehicle or to secure that the plated weights are marked on a vehicle does not apply to a Minister’s approval certificate issued by virtue of subsection (4) above.
- (7) Subsection (6) above does not apply in relation to vehicle parts.
- (8) Where the Secretary of State determines on an application under this section not to issue a type approval certificate in respect of a vehicle, he must give to the applicant a written notification of the determination, stating the grounds on which it is based.
- [^{F6}(9) In this section, “European type-approval requirements” means requirements prescribed in—
- (a) regulations made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, or of parts of vehicles, or in relation to any vehicle type approval scheme,
(b) the road vehicles type approval Regulation,
(c) the tractor type approval Regulation, or
(d) the motorcycle type approval Regulation.]

Textual Amendments

- F1** S. 55(1A)-(1C) inserted (temp.) (31.12.2020 for a period of two years at the end of which this amending provision will expire) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/648), regs. 1(b)(ii), **2(2)(a)** (with reg. 11) (as amended by [S.I. 2020/818](#), Sch. 6 para. 39(2)(a)(i) (with Sch. 4 paras. 16, 17) and [S.I. 2020/1393](#), regs. 1(2), **2(2)(a)(12)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** S. 55(1D)-(1G) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **5(2)(a)**

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- F3** Words in s. 55(2) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **5(2)(b)**
- F4** S. 55(2A) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **5(2)(c)**
- F5** S. 55(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **5(2)(d)**
- F6** S. 55(9) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **5(2)(e)**

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