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## STATUTORY INSTRUMENTS

# 1980 No. 1182

## The Motor Vehicles (Type Approval) Regulations 1980

PROSPECTIVE

### PART III

#### GENERAL PROVISIONS

##### Application for type approval

6.—(1) An application by or on behalf of a manufacturer for the approval of a vehicle to which these Regulations apply as a type vehicle, or of a vehicle component as a type vehicle component, shall be made in writing to the Minister and shall be accompanied by an information document duly completed so as to furnish all the information required by the document (being such of that information as is applicable to a vehicle or, as the case may be, a vehicle component of the type in respect of which the application is made), together with such other documents as are mentioned in the said information document as being required in connection with the application.

(2) Where in pursuance of this Regulation an application has been made to the Minister in respect of a vehicle or vehicle component of a particular type, then until that application is disposed of or, where an appeal is made under Regulation 14 in respect of the decision on that application, until that appeal has been disposed of, no similar application in respect of a vehicle or vehicle component of that type shall be made by or on behalf of the same manufacturer to the competent authority of any other Member State.

##### Commencement Information

II Reg. 6 in force at 9.9.1980, see [reg. 1](#)

##### Certificates of conformity with a type vehicle

7.—(1) Subject to paragraph (2), a manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each vehicle which is manufactured by him and which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate of conformity stating that the vehicle does so conform.

(2) Where a certificate of conformity is issued in consequence of any type approval certificate issued by virtue of Regulation 5(2), it shall relate only to the type approval requirement or requirements to which that type approval certificate relates.

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#### Commencement Information

**I2** Reg. 7 in force at 9.9.1980, see [reg. 1](#)

#### Marking of vehicle components

**8.** A manufacturer of a type vehicle component in respect of which a type approval certificate is in force may mark each component which is manufactured by him and which conforms with the type vehicle component in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate with the relevant approval mark.

#### Commencement Information

**I3** Reg. 8 in force at 9.9.1980, see [reg. 1](#)

#### Conditions of issue of type approval certificates and cancellation or suspension thereof

**9.—(1)** A type approval certificate may be issued subject to conditions with respect to—

- (a) the inspection by officers of the Minister of samples of vehicles or vehicle components purporting to conform with the type vehicle or, as the case may be, the type vehicle component in the relevant aspects of design, construction, equipment and marking and of the parts and equipment of any vehicles, and of the parts of any vehicle components, selected for such inspection, and, for that purpose, the entry of premises where any such vehicles or vehicle components are manufactured; and
- (b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than such variations as are permitted by the type approval requirements) between any such vehicles and the type vehicle or between any such vehicle components and the type vehicle component which might be relevant to those requirements.

(2) If it appears to the Minister that there has been a breach of condition subject to which a type approval certificate has been issued or if he ceases to be satisfied as to any other matter relevant to a type approval certificate, he may, by notice under Regulation 13, cancel or suspend the certificate.

#### Commencement Information

**I4** Reg. 9 in force at 9.9.1980, see [reg. 1](#)

#### Notice by a manufacturer of cessation of, or alteration in, the manufacture of vehicles or vehicle components of an approved type, or of alterations in the relevant aspects of design etc

**10.—(1)** Where a manufacturer of a type vehicle or a type vehicle component in respect of which a type approval certificate is in force—

- (a) intends to cease the manufacture of vehicles or vehicle components conforming with that type, or
- (b) intends to make any alteration in the manufacture of vehicles or vehicle components conforming with that type of a kind which would result in any of the particulars furnished in the relevant information document ceasing to apply, or

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(c) intends to make any alteration in any of the relevant aspects of design, construction, equipment or marking (being aspects in relation to which notice has been previously given to the manufacturer by the Minister that they are aspects to which this sub-paragraph applies) of vehicles or vehicle components conforming with that type, the manufacturer shall, as soon as practicable after forming that intention, give notice of it to the Minister specifying the type vehicle or, as the case may be, the type vehicle component to which it relates and—

- (i) in a case mentioned in sub-paragraph (a) above, the date when the manufacture of the vehicles or vehicle components in question is to cease, and
- (ii) in a case mentioned in sub-paragraph (b) or (c) above, particulars of the alterations in question and of the date or dates on which they are to be made.

In this paragraph the reference to the relevant information document is a reference to the information document which, in accordance with Regulation 6(1), accompanied the application under that Regulation for the type approval certificate in question.

(2) In addition to the notice required under paragraph (1) the manufacturer concerned shall, not later than fourteen days after the date on which he has ceased the manufacture of the vehicles or vehicle components in question or, as the case may be, after he has made any alterations such as are mentioned in paragraph (1)(b) or (c) give notice of that fact to the Minister specifying—

- (i) the date (whether or not it is the same date specified in the notice under the said paragraph (1)) on which the manufacture ceased or, as the case may be, the alterations were made, and
- (ii) where the notice under the said paragraph (1) related to a type vehicle, the frame or chassis number assigned to the vehicle of that type which was last manufactured before that date.

(3) A copy of any notice given by or to a manufacturer under paragraph (1) or by a manufacturer under paragraph (2) shall, within a period of one month from the date on which it is given, be sent by the Minister to the competent authority of every other Member State.

#### **Commencement Information**

**I5** Reg. 10 in force at 9.9.1980, see [reg. 1](#)

### **Cancellation, suspension or modification of a type approval certificate where notice is given under Regulation 10**

**11.**—(1) Where a notice given by a manufacturer under Regulation 10(1) or (2) is a notice that he intends to cease or, as the case may be, has ceased, the manufacture of vehicles or vehicle components of the type referred to in the notice, the Minister may by notice under Regulation 13 cancel the type approval certificate in force in respect of the type vehicle or, as the case may be, the type vehicle component to which the said notice relates.

(2) Where a notice given by a manufacturer under Regulation 10(1) or (2) is a notice that he intends to make or, as the case may be, that he has made alterations such as are mentioned in Regulation 10(1)(b) or (c) the Minister, if satisfied that the alterations specified in the notice are such as to make it appropriate to do so, may by notice under Regulation 13—

- (a) cancel or suspend the type approval certificate in force in respect of the vehicle or vehicle component to which the notice relates; or
- (b) cancel the said type approval certificate and substitute for it, without further application by the manufacturer, a new type approval certificate in respect of the vehicle or, as the case may be, the vehicle component; or
- (c) modify the said type approval certificate.

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#### Commencement Information

**I6** Reg. 11 in force at 9.9.1980, see [reg. 1](#)

### Cancellation or suspension of type approval certificates where vehicles or vehicle components are not manufactured in conformity with type approval requirements

**12.—**(1) If the Minister—

- (a) after examination of at least two vehicles, being vehicles of a particular type in respect of which a type approval certificate is in force and in respect of each of which a certificate of conformity is in force, or after examination of at least two vehicle components, being components of a particular type which have been marked with an approval mark in accordance with Regulation 8 in respect of which a type approval certificate is in force, is satisfied that each of those vehicles or, as the case may be, each of those vehicle components has not been manufactured so as to conform with the relevant aspects of design, construction, equipment or marking; or
- (b) is notified by the competent authority of any other Member State that, in relation to any such vehicles or vehicle components and the manufacturer thereof as may be specified by that authority, the authority, after such examination as aforesaid, is similarly so satisfied,

he shall give notice of that fact to the manufacturer specifying—

- (i) the particular respects in which the vehicles or vehicle components in question have been found (either by the Minister, or as the case may be, the said competent authority) not so to conform,
- (ii) the steps that shall be taken by the manufacturer to ensure that vehicles or vehicle components of that type are manufactured by him so as to conform with the said aspects and the period within which those steps shall be taken, and
- (iii) that unless those steps are taken within that period the type approval certificate in question may be cancelled or suspended,

and if, at any time after the expiration of that period, the Minister (whether or not after any or any further examination of any such vehicles or vehicle components) is not satisfied that all the steps so specified have been taken, he may, by notice under Regulation 13, cancel or suspend the type approval certificate.

(2) A copy of any notice given to a manufacturer under paragraph (1) shall, within a period of one month from the date on which it is given, be sent by the Minister to the competent authority of every other Member State.

#### Commencement Information

**I7** Reg. 12 in force at 9.9.1980, see [reg. 1](#)

### Notice of cancellation, suspension or modification of type approval certificates

**13.—**(1) Where the Minister decides to cancel, suspend or modify a type approval certificate under any provisions of these Regulations, he shall—

- (a) as soon as practicable, give notice of the decision to the manufacturer to whom the certificate was issued; and
- (b) within one month from the date on which that notice is given, give the like notice to the competent authority of every other Member State.

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(2) A notice under paragraph (1) shall specify the date on which the cancellation, suspension or modification of the certificate to which the notice relates shall take effect and shall specify—

- (a) in the case of cancellation, the grounds for the decision to cancel;
- (b) in the case of suspension—
  - (i) the grounds for the decision to suspend,
  - (ii) the conditions which must be fulfilled before the suspension can cease to have effect, and
  - (iii) that the suspension shall have effect until such time as the Minister gives notice to the manufacturer under this sub-paragraph that he is satisfied that the said conditions have been fulfilled; and
- (c) in the case of modification, particulars of the modifications,

and shall inform the manufacturer concerned of his right of appeal under Regulation 14 in respect of the decision.

(3) The cancellation, suspension or modification of a type approval certificate under any provision of these Regulations shall not affect the validity of any certificate of conformity previously issued or any relevant approval mark applied in consequence of that type approval certificate.

#### Commencement Information

**18** Reg. 13 in force at 9.9.1980, see [reg. 1](#)

### Appeals

**14.—**(1) A person who is aggrieved by a decision given by or on behalf of the Minister with respect to a type approval certificate may, within the time and in the manner respectively specified in paragraphs (2) and (3) appeal to the Minister, and on the appeal the Minister—

- (a) shall have the like powers and duties as he has on an original application for a type approval certificate;
- (b) may hold an inquiry in connection therewith; and
- (c) may appoint an assessor for the purpose of assisting him in handling the appeal or any such inquiry.

(2) An appeal under paragraph (1) shall be made by notice to the Minister which shall be lodged with him not later than fourteen days from the date on which notice of the decision in respect of which the appeal is made was given.

(3) A notice of appeal under paragraph (1) shall state the grounds on which the appeal is made and shall be accompanied by the following documents:—

- (a) a copy of the information document which, in accordance with Regulation 6(1), accompanied the application under that Regulation for the type approval certificate in question; and
- (b) where the appeal relates to the cancellation, suspension or modification of a type approval certificate, a copy of that certificate.

#### Commencement Information

**19** Reg. 14 in force at 9.9.1980, see [reg. 1](#)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 5(1A) added by [S.I. 1988/1103 reg. 3](#)
- reg. 9(1)(c) and word added by [S.I. 1988/1103 reg. 4](#)
- reg. 12A inserted by [S.I. 2019/453 reg. 23\(4\)](#)