
STATUTORY INSTRUMENTS

1984 No. 981

**The Motor Vehicles (Type Approval)
(Great Britain) Regulations 1984**

Commencement and citation

1. These Regulations shall come into operation on 21st August 1984 and may be cited as the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984.

Interpretation

2.—(1) In these Regulations—

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations 1978⁽¹⁾;

“appropriate information document”—

- (i) in relation to a vehicle subject to type approval requirements and in respect of which an application for a type approval certificate is made, means a document in the form set out in Part I of Schedule 2;
- (ii) in relation to a vehicle subject to type approval requirements and in respect of which an application for a Minister's approval certificate is made, means a document in the form set out in Part II of Schedule 2; and
- (iii) in relation to a vehicle part subject to type approval requirements means a document in the form set out in Part III of Schedule 2;

“dual-purpose vehicle” means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed 2040 kilograms, and which satisfies the following conditions as to construction, namely:—

- (a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;
- (b) the area of the vehicle to the rear of the driver's seat must—
 - (i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-rests, attached either to the seats or to a side or the floor of the vehicle; and
 - (ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 1850 square centimetres on each side and not less than 770 square centimetres at the rear; and
- (c) the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in sub-paragraph (b)(i) above or, if there is more than one such row of seats, the distance between the rearmost part of

⁽¹⁾ as amended by S.I. 1978/1233, 1235, 1263, 1317, 1979/138, 843, 1062, 1980/139, 140, 287, 610, 880, 1166, 1789, 1981/261, 697, 915, 1189, 1580, 1663, 1688, 1982/1057, 1132, 1223, 1272, 1422, 1480, 1576, 1983/112, 471, 932, 1984/195, 331, 386, 679.

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the steering wheel and the back-rests of the rearmost such row must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

“ECE Regulation” means a Regulation annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 2nd March 1958⁽²⁾ as amended⁽³⁾ to which the United Kingdom is a party⁽⁴⁾;

“maximum gross weight” means, in relation to a vehicle, the weight which it is designed or adapted not to exceed when in normal use and travelling on a road laden;

“motor ambulance” means a motor vehicle which is specially designed and constructed (and not merely adapted) for carrying, as equipment permanently fixed to the vehicle, equipment used for medical, dental or other health purposes and is used primarily for the carriage of persons suffering from illness, injury or disability;

“motor caravan” means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

“the prescribed fee”, in relation to any matter provided for in these Regulations, means the fee prescribed for such matter in regulation under section 50(1);

“the prescribed type approval requirements”, in relation to a vehicle or a vehicle part subject to type approval requirements, means the type approval requirements prescribed therefor by these Regulations;

“the type approval requirements” means the requirements with respect to the design, construction, equipment or marking of vehicles or vehicle parts which—

- (a) relate to the items numbered in column (1) and listed in column (2) of Schedule 1, and
- (b) are contained in instruments or other documents, and consist of the requirements, specified against each such item in column (3) of Schedule 1; and

“vehicle subject to type approval requirements” and “vehicle part subject to type approval requirements” have the meanings given to those expressions in Regulation 4.

(2) A reference in these Regulations to a vehicle in category M1 is a reference to a vehicle described as M1 in Council Directive 71/320/EEC of 26th July 1971⁽⁵⁾ and in ECE Regulation 13 of 29th May 1969, and a reference in these Regulations to a vehicle in category L5 is a reference to a vehicle described as L5 in ECE Regulation 13 of 29th May 1969.

(3) For the purposes of these Regulations—

- (a) a motor vehicle is to be regarded as being manufactured on or after a particular date if it is first assembled on or after that date, even if it includes one or more parts which were manufactured before that date, and
- (b) the provisions of Regulation 3(2) of the Construction and Use Regulations shall apply for determining when a motor vehicle is first used.

(4) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered Regulation or Schedule is a reference to the Regulation or Schedule to these Regulations bearing that number, and

(2) Cmnd 2535.

(3) Cmnd 3562.

(4) By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963.

(5) p. 37 (SE 1971 (III), p. 746).

- (b) a numbered paragraph is a reference to the paragraph bearing that number in the Regulation in which that number appears, and
- (c) a numbered section is a reference to a section having that number in the Road Traffic Act 1972.

Application

- 3.—(1) Subject to paragraph (2) these Regulations apply to—
- (a) every motor vehicle manufactured on or after 1st October 1977 and first used on or after 1st August 1978 which is constructed solely for the carriage of passengers and their effects or is a dual-purpose vehicle and in either case which—
 - (i) is adapted to carry not more than eight passengers exclusive of the driver and either has four or more wheels or, if having only three wheels, has a maximum gross weight of more than 1000 kilograms, or
 - (ii) has three wheels, a maximum gross weight not exceeding 1000 kilograms, and either a design speed exceeding 40 kilometres per hour or an engine with a capacity exceeding 50 cubic centimetres, and is not a motor cycle with a side-car attached, and
 - (b) parts of any such motor vehicles.
- (2) These Regulations do not apply to, or to parts of—
- (a) a motor ambulance;
 - (b) a motor caravan;
 - (c) a motor vehicle brought temporarily into Great Britain by a person resident abroad;
 - (d) a vehicle in the service of a visiting force or of a headquarters (as defined in Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965);
 - (e) a motor vehicle which is imported by an individual into Great Britain and in relation to which the following conditions are satisfied—
 - (i) the vehicle has been purchased outside Great Britain for the personal use of the individual importing it or of his dependants,
 - (ii) the vehicle has been so used by that individual or his dependants on roads outside Great Britain before it is imported,
 - (iii) the vehicle is intended solely for such personal use in Great Britain, and
 - (iv) the individual importing the vehicle intends, at the time when the vehicle is imported, to remain in Great Britain for not less than twelve months from that time;
 - (f) a motor vehicle which is to be exported from Great Britain and which—
 - (i) is exempt from car tax by virtue of paragraph 7 of Schedule 7 to the Finance Act 1972⁽⁶⁾,
 - (ii) is a vehicle in relation to which there has been a remission of car tax by virtue of paragraph 8 of that Schedule, or
 - (iii) has been zero-rated under Regulation 49 or 50 of the Value Added Tax (General) Regulations 1980⁽⁷⁾;
 - (g) a motor vehicle which is of a new or improved type, or is fitted with equipment of a new or improved type, and which has been constructed to that type, or fitted with that equipment, for the purposes of tests or trials or for use as a prototype, and—

⁽⁶⁾ paragraph 7 was amended by the Finance (No. 2) Act 1975 (c. 45), section 23(1) and the Finance Act 1981 (c. 35), section 17(4) and paragraph 8 was amended by the said Act of 1975, section 23(2).

⁽⁷⁾ ,to which there are amendments not relevant to these Regulations.

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- (i) is not intended for general use on roads, and
- (ii) in the case of a vehicle first used on a road on or after 21st August 1984, remains in the ownership and the use of—
 - (A) the manufacturer of the vehicle if the vehicle is of a new or improved type, or
 - (B) the manufacturer of the equipment if the vehicle is fitted with equipment of a new or improved type or the manufacturer of the vehicle on which that equipment is used;
- (h) a motor vehicle which is of a new or improved type provided that—
 - (i) a final examination has been carried out in respect of a vehicle to which the vehicle is alleged to conform following a written application made either—
 - (A) in the manner approved in accordance with Regulation 5, for a type approval certificate for the type, or
 - (B) in the manner approved in accordance with Regulation 6, for a Minister's approval certificate,
 and as a result of the examination the Secretary of State is satisfied that the relevant type approval requirements specified in Schedule 1 are complied with;
 - (ii) the Secretary of State has been notified of the vehicle identification number in a manner approved by him;
 - (iii) the vehicle is being used for no purpose other than for, or in connection with, publicity, demonstration or evaluation of that type of vehicle; and
 - (iv) until, following the examination mentioned in sub-paragraph (i) of this sub-paragraph, there has been issued a type approval certificate or, as the case may be, a Minister's approval certificate, the vehicle—
 - (A) remains in the ownership of the person who made the application referred to in the said sub-paragraph (i), and
 - (B) is not offered for sale or supply or sold or supplied by retail;
- (i) a motor vehicle to which sections 45 to 51 and 62 have become applicable after a period of use on roads during which, by virtue of section 188(4) (which relates to vehicles in the public service of the Crown), those sections did not apply to that vehicle; or
- (j) a motor vehicle constructed or assembled by a person not ordinarily engaged in the trade or business of manufacturing motor vehicles of that description.

Type approval requirements—application

4.—(1) Subject to paragraphs (2), (3), (4) and (5) and to the exemptions specified in column (4) of Schedule 1, the type approval requirements are hereby prescribed as requirements which are applicable—

- (a) from the date specified in column (5) of Schedule 1, and
- (b) in a case where a date is specified in column (6) of Schedule 1, until that date,

to vehicles to which these Regulations apply and to the relevant parts of such vehicles, before such vehicles are used on a road.

(2) If a vehicle or a vehicle part is manufactured on or after a date (other than 1st August 1978) specified in an item in column (5) of Schedule 1, the type approval requirement specified in column (3) in that item shall not apply if the vehicle or, in the case of a vehicle part, the vehicle in which it is incorporated, is first used on a road within six months of that date.

(3) If a vehicle or a vehicle part is manufactured on or after a date specified in an item in column (6) of Schedule 1, the type approval requirement specified in column (3) in that item shall apply if the vehicle or, in the case of a vehicle part, the vehicle in which it is incorporated, is first used on a road within six months of that date.

(4) Where, in relation to an item listed in column (2) of Schedule 1, two or more instruments or other documents are specified in column (3) of Schedule 1 as alternatives, the requirements prescribed by paragraph (1) are the requirements contained in either or any of those instruments or documents, and subject to paragraphs (1), (2), (3), (5) and (6) where two or more items specified in column (1) of Schedule 1 have the same subject matter as is specified in column (2) of Schedule 1 the type approval requirements relate to either or, as the case may be, any of those items.

(5) Where, in relation to an item listed in column (2) of Schedule 1, a requirement contained in an instrument or other document specified in column (3) of Schedule 1 is shown, by an entry in division (c) of that column, as being varied for the purposes of these Regulations, that requirement as so varied is the requirement hereby prescribed.

(6) A vehicle to which, or to a part of which, any requirement mentioned in paragraph (1) is for the time being applicable by virtue of paragraphs (1) to (5) is referred to in these Regulations as “a vehicle subject to type approval requirements”, and a vehicle part to which any such requirement is so applicable is referred to in these Regulations as “a vehicle part subject to type approval requirements”.

(7) Where a requirement is prescribed by these Regulations as a requirement applicable to a vehicle, or to a vehicle part, that requirement shall, for the purposes of these Regulations, be regarded as being applicable to that vehicle or vehicle part by virtue of paragraphs (1) to (5) notwithstanding that the same requirement may have been, or may hereafter be, applied to that vehicle or vehicle part by or under any provision of the European Communities Act 1972 or by or under any other statutory provision.

Application for type approval

5.—(1) An application by a manufacturer of a vehicle or vehicle part, which is subject to type approval requirements, for the approval of that vehicle or vehicle part as a type vehicle or type vehicle part, as the case may be, and for the issue in respect thereof of a type approval certificate shall be—

- (i) made in writing to the Secretary of State in a form approved by him;
- (ii) accompanied by an appropriate information document duly completed so as to furnish all the information which is required by that document and which is applicable to the vehicle or vehicle part of the type in respect of which the application is made; and
- (iii) accompanied by such other documents as are mentioned in the said information document as being required in connection with the application.

(2) As soon as reasonably practicable after the date of the receipt of an application for type approval the Secretary of State shall send to the applicant a notice stating the address at which the examination of the vehicle or vehicle part is to be carried out, the date and time at which such examination is to begin, the prescribed fees which are payable in respect of the application and examination and the time, place and manner for payment of those fees. The Secretary of State shall not be required to commence any examination until the prescribed fees have been paid.

Application for Minister's approval certificate

6.—(1) An application in respect of a vehicle or vehicle part which is subject to type approval requirements for a Minister's approval certificate in respect of that vehicle or vehicle part shall be made in writing to the Secretary of State in a form approved by him and, subject to paragraph (3), shall be accompanied by—

- (i) an appropriate information document duly completed so as to furnish all the information which is required by that document and which is applicable to the vehicle or vehicle part in respect of which the application is made; and
- (ii) such other documents as are mentioned in the said information document as being required in connection with the application.

(2) Subject to paragraph (3), as soon as reasonably practicable after the date of the receipt of an application for a Minister's approval certificate the Secretary of State shall send to the applicant a notice stating the address at which the examination of the vehicle or vehicle part is to be carried out, the date and time at which such examination is to begin and the prescribed fees which are payable in respect of the application and examination and the time, place and manner for payment of such fees. The Secretary of State shall not be required to commence any examination until the prescribed fees have been paid.

(3) In a case where an application for a Minister's approval certificate is an application, in the circumstances mentioned in section 47(11), by a manufacturer or importer for the issue of the certificate without examination of the vehicle or vehicle part the application shall refer to the appropriate information document and shall be accompanied by a remittance for the prescribed fee.

Application for further type approval certificate

7.—(1) Where, on an application for type approval of a vehicle or vehicle part, the Secretary of State is satisfied that one or more, but not all, of the relevant type approval requirements are complied with, an application by the original applicant or by any person who manufactures any part of, or who finally assembles, that vehicle or vehicle part for the issue under section 47(9)(a) of a further type approval certificate shall be made in a form approved by the Secretary of State and shall be accompanied by such documents and other information as are reasonably required in connection with the application.

(2) The provisions of Regulation 5(2) about notice of examination and payment of fees apply in relation to an application for a further type approval certificate as they apply in relation to the original type approval certificate.

(3) Where a further type approval certificate is issued for a type vehicle or type vehicle part under section 47(9)(a) on the application of a person who manufactures any part of, or who finally assembles, that vehicle or vehicle part, the references in these Regulations to a manufacturer, in relation to that type vehicle or type vehicle part, shall include a reference to that person.

Appeals

8.—(1) Every notification by the Secretary of State of—

- (a) a determination not to issue a type approval certificate or a Minister's approval certificate, or
- (b) a determination to issue a type approval certificate in respect of one or more, but not all, of the relevant type approval requirements to which the application for type approval relates, or
- (c) the cancellation or suspension of a type approval certificate,

shall contain a statement of the right of appeal under section 49, and shall give particulars of the time within which, the manner in which, and the address at which, such an appeal can be lodged.

(2) An appeal under section 49 by a person aggrieved by a determination made on behalf of the Secretary of State with respect to a type approval certificate, a certificate of conformity or a Minister's approval certificate shall be made in the following manner—

- (a) the appellant shall, not later than six weeks from the notification of the Secretary of State's determination, give notice in writing to the Secretary of State at the address stated for appeals in that notification, of his intention to appeal against the determination, and
- (b) if the grounds of the appeal are not stated in the notice referred to in sub-paragraph (a) above, the appellant shall, not later than six weeks from the giving of that notice, give to the Secretary of State at the address referred to in that sub-paragraph a further notice in writing stating the grounds of his appeal.

Forms of certificates

9.—(1) A type approval certificate shall be in the form set out in Part I or Part II of Schedule 3 or in a form to the like effect.

(2) A Minister's approval certificate shall be in the form set out in Part I or Part II of Schedule 4 or in a form to the like effect.

(3) A certificate of conformity shall be in the form set out in Part I or Part II of Schedule 5 or in a form to the like effect and shall contain such of the particulars specified in the form in Schedule 5 as are relevant to the vehicle or vehicle part in respect of which the certificate is issued.

Duplicate certificates

10.—(1) If a certificate of conformity or Minister's approval certificate is lost or defaced, application for the issue of a duplicate may be made—

- (a) in the case of a certificate of conformity, to the manufacturer by whom the original was issued, and
- (b) in the case of a Minister's approval certificate, to the Secretary of State.

(2) Where such a certificate has been lost, the application for the issue of a duplicate shall give particulars of the vehicle or vehicle part to which the original related and shall either state the serial number of the original certificate or give such other information with respect to the original certificate as is available and is reasonably required for enabling the records with respect to the original certificate to be searched and particulars of the original certificate traced.

(3) Where such a certificate has been defaced, the application for the issue of a duplicate shall be accompanied by the defaced certificate and, if the serial number of that certificate is no longer legible, by a statement of such other information with respect to the original certificate as is mentioned in paragraph (2).

(4) Every duplicate certificate issued under this Regulation shall be marked "Duplicate".

(5) Every application under this Regulation for a duplicate certificate shall be accompanied by a remittance for the prescribed fee.

Keeping and inspection of records relating to certificates of conformity

11.—(1) A manufacturer of a vehicle or vehicle part in relation to which a type approval certificate is in force shall keep a record, as specified in paragraph (2), of every certificate of conformity issued by him under section 47(5) in respect of each vehicle or vehicle part manufactured by him which conforms with the type vehicle or type vehicle part in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate.

(2) The record referred to in paragraph (1) shall be a record of—

- (a) the serial number of the certificate of conformity,
- (b) the serial number of the type approval certificate referred to in the certificate of conformity,

- (c) in the case of a certificate of conformity in respect of a vehicle, the manufacturer's identification number assigned to that vehicle and either the date of the manufacture of the vehicle or the date of the issue of the certificate of conformity, and
- (d) in the case of a certificate of conformity in respect of a vehicle part to which the manufacturer has assigned an identification number, that number.

(3) A person authorised by the Secretary of State for the purpose may, on giving such manufacturer reasonable notice and after production, if so required, of his authority, require the manufacturer to produce for inspection or otherwise make available the records kept by him under this Regulation, and the authorised person may take copies of such records or otherwise secure the reproduction of the information contained in them.

Authorisations to carry out examinations for type approval

12.—(1) The Secretary of State may authorise such persons as he thinks fit, whether officers of his Department or not, to carry out, in connection with the issue of type approval certificates, examinations of vehicles or vehicle parts which are subject to type approval requirements.

(2) Any authorisation under this Regulation shall be in writing, shall name the person to whom it is issued and shall specify the matters in connection with which he is authorised to carry out examinations as aforesaid.

(3) Any authorisation under this Regulation may be withdrawn at any time by notice by the Secretary of State to the person authorised.

(4) A person authorised under this Regulation shall, if so required by or on behalf of a person whose vehicle or vehicle part is being or is to be examined, produce his authorisation to that person.

(5) Where an authorisation under this Regulation expires or is withdrawn under paragraph (3), the person to whom the authorisation was given shall return it to the Secretary of State.

Notices

13. Every notice under these Regulations shall be in writing and may be given by post.

Licences not to be issued for vehicles unless appropriate certificates are in force

14. Where application is made for a licence under the Vehicles (Excise) Act 1971 for a vehicle subject to type approval requirements, the licence shall not be granted unless, on the first application for a licence for that vehicle, there is produced evidence that there is or are one or more certificates in force for the vehicle under section 47 from which it appears that the vehicle complies with all the prescribed type approval requirements which are applicable thereto.

Revocations and transitional provisions

15.—(1) The Regulations specified in Schedule 6 are hereby revoked.

(2) Any alteration or omission in the type approval requirements which were applicable to any vehicle or vehicle part by virtue of the Regulations mentioned in paragraph (1), effected by Schedule 1, shall not apply to vehicles or vehicle parts manufactured before the coming into operation of these Regulations, but the type approval requirements in point shall continue to be applicable in their unaltered form to those vehicles or vehicle parts.

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10th July 1984

Nicholas Ridley
Secretary of State for Transport