

---

STATUTORY INSTRUMENTS

---

**1988 No. 1567**

**The Agricultural or Forestry Tractors and Tractor Components (Type Approval) Regulations 1988**

**PART II**

**TYPE APPROVAL OF TRACTORS AND TRACTOR COMPONENTS**

**Application for type approval and component type approval**

4.—(1) An application by or on behalf of a manufacturer for the approval of a tractor as a type tractor 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 tractor 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, and such other documents in triplicate and particulars (if any) as are mentioned in the appropriate Annex to the Community Directive or Community Directives relevant to the application.

(2) An application by or on behalf of a manufacturer for the approval of a tractor component as a type tractor component shall be made in writing to the Minister and shall be accompanied by the documents in triplicate and the particulars (if any) set out in the appropriate Annex to the Community Directive relevant to the application.

(3) Where in pursuance of this regulation an application has been made to the Minister in respect of a tractor or tractor component of a particular type, then until that application is disposed of or, where under regulation 16 a review of the decision on the application has been applied for, until the review has been disposed of, no similar application in respect of a tractor or tractor component of that type shall be made by or on behalf of the same manufacturer to the competent authority of any other member State.

**Approval of type tractors and type tractor components**

5.—(1) Where the Minister is satisfied on application made to him by or on behalf of the manufacturer of a tractor and after examination of the tractor, that—

- (a) the tractor is of a type which conforms—
  - (i) with the information given in relation to the tractor in the information document which accompanied the application, and
  - (ii) with the type approval requirements and
- (b) adequate arrangements have been made to secure that other tractors purporting to conform with that tractor in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as are permitted by those requirements,

he shall approve the tractor as a type tractor and shall issue a type approval certificate in respect of it.

(2) Where the Minister is satisfied on application made to him by or on behalf of the manufacturer of a tractor component and after examination of that tractor component, that—

- (a) the tractor component is of a type which conforms with the component type approval requirements, and
- (b) adequate arrangements have been made to secure that other tractor components purporting to conform with that tractor component in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as are permitted by those requirements,

he shall—

- (i) approve the tractor component as a type tractor component subject to any restrictions on scope required by virtue of Article 9a.2 of Council Directive [74/150/EEC](#)(1),
- (ii) issue to the manufacturer of the tractor or of the tractor component or to his authorised representative a component type approval mark,
- (iii) issue a component type approval certificate in respect of it.

(3) A type approval certificate may be issued in respect of a type tractor where the Minister is satisfied that one or more, but not all, of the type approval requirements are complied with in the case of that tractor.

(4) Where the Minister on an application under regulation 4 decides not to approve a tractor as a type tractor or a tractor component as a type tractor component he shall give notice to the applicant of the decision, stating the grounds on which it is based and informing the applicant of his right to apply for a review under regulation 16 in respect of the decision, and, within a period of one month from the date on which that notice is given, shall give the like notice to the competent authority of every other member State.

(5) Where the Minister issues a type approval certificate or component type approval certificate in pursuance of an application under regulation 4 he shall, within a period of one month from the date on which the certificate is issued, give notice of that fact to the competent authority of every other member State and shall include with that notice a copy of the type approval certificate or component type approval certificate so issued.

### **Certificates of conformity to a type tractor or type tractor component**

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

(2) Where a certificate of conformity is issued in consequence of any type approval certificate issued by virtue of regulation 5(3) it shall relate only to the type approval requirement or requirements to which that type approval certificate relates.

### **Component type approval marks**

7. A manufacturer of a type tractor component in respect of which a component type approval certificate is in force shall ensure that each tractor component which is manufactured by him to conform with the type tractor component, and which does so conform, in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the component type approval

---

(1) OJNo. L84, 28.3.74, p.10; as amended by Council Directive [79/694/EEC](#), OJ No. L205, 13.8.79, p. 17.

certificate bears a component type approval mark, together with any other marks required by virtue of the appropriate Annex to the relevant Community Directive.

#### **Extension of type approval**

8.—(1) On application by the holder of a tractor type approval the Minister shall extend the approval to tractors fitted with further types of tractor component if the conditions set out in the appropriate Annex to the Community Directive relevant to the tractor component in question are satisfied.

(2) Where an application is made under paragraph (1) above the Minister shall issue a certificate, conforming to the model shown in the appropriate Annex to the Community Directive relevant to the type tractor component in question, which shall be annexed to the type approval certificate whether or not an extension is granted.

#### **Extension of component type approval**

9. On application by the holder of a component type approval granted by the Minister, the Minister shall extend the approval to further type tractors if the conditions laid down in the appropriate Annex to the Community Directive relevant to that type tractor component are satisfied.

#### **Conditions of issue of type approval certificates or component type approval certificates and cancellation or suspension thereof for breach of condition**

10.—(1) A type approval certificate or a component type approval certificate may be issued subject to conditions with respect to—

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

(2) If it appears to the Minister that there has been a breach of a condition subject to which a certificate has been issued or if he ceases to be satisfied as to any other matter relevant to a certificate, he may, by notice under regulation 15, cancel or suspend that certificate.

#### **Notice by a manufacturer of cessation of, or alteration in, the manufacture of tractors or tractor components of an approved type, or of alterations in the relevant aspects of design, etc.**

11.—(1) Where a manufacturer of a type tractor or type tractor component in respect of which a type approval certificate or a component type approval certificate is in force—

- (a) intends to cease the manufacture of that tractor or tractor component, or
- (b) intends to make any alteration in that manufacture such that—
  - (i) in the case of a tractor, any of the particulars furnished in the relevant information document which accompanied the application for approval under regulation 4(1) no longer apply in relation to that tractor, or

- (ii) in the case of a tractor component, any particulars in the documents or particulars which accompanied the application for approval under regulation 4(2) no longer apply in relation to that tractor component, or
- (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 subparagraph applies),

the manufacturer shall, as soon as practicable after forming that intention, give notice of it to the Minister specifying the type tractor or type tractor component to which it relates and—

- (i) in a case mentioned in subparagraph (a) of this paragraph the date when the manufacturer of the tractor or tractor component in question is to cease, and
- (ii) in a case mentioned in subparagraph (b) or (c) of this paragraph, particulars of the alterations in question and of the date or dates on which they are to be made.

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

- (i) the date (whether or not it is the same date as that specified in the notice under the said paragraph (1)) on which the manufacture ceased or, as the case may be, the alterations were completed,
- (ii) in the case of a tractor, the frame or chassis number assigned to the tractor of that type which was last manufactured before that date, and
- (iii) where applicable, the serial number of the first tractor produced in conformity with the new or amended certificate.

(3) A copy of any notice given by or to a manufacturer under the said paragraph (1) or by a manufacturer under paragraph (2) of this regulation 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.

### **Cancellation, suspension or modification of a type approval certificate or component type approval certificate where notice is given under regulation 11**

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

(2) Where a notice given by a manufacturer under regulation 11(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 subparagraphs (b) or (c) of regulation 11(1) the Minister, if satisfied that the alterations specified in the notice are such as to necessitate doing so, may by notice under regulation 15—

- (a) cancel or suspend the certificate in force in respect of the tractor or tractor component to which the notice relates, or
- (b) cancel the said certificate and substitute for it, without further application by the manufacturer, a new certificate in respect of the same type, or
- (c) modify the said certificate.

(3) A copy of any new certificate or any modified certificate issued under paragraph (2) above shall, within a period of one month from the date on which the new or modified certificate was completed, be sent by the Minister to the competent authority of every other member State.

**Cancellation or suspension of type approval certificates where tractors or tractor components are not manufactured in conformity with type approval requirements or component type approval requirements**

13.—(1) If the Minister—

- (a) after examination of at least two tractors or tractor components, being tractors or tractor components of a particular type in respect of which a type approval certificate or a component type approval certificate is in force and, in the case of tractors, in respect of each of which a certificate of conformity is in force and, in the case of tractor components, each of which bears a component type approval mark, is satisfied that each of those tractors or tractor 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 any such tractor or tractor component as may be specified by that authority has not been manufactured so as to conform with the relevant aspects of design, construction, equipment or marking, after such examination as aforesaid, and the Minister is similarly so satisfied, he shall give notice of that fact to the manufacturer specifying—
  - (i) the particular respects in which the tractors or tractor components in question have been found (either by the Minister, or, as the case may be, the said component authority) not so to conform,
  - (ii) the steps that shall be taken by the manufacturer to ensure that tractors or tractor 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 or component type approval certificate 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 tractor or tractor components) is not satisfied that all the steps so specified have been taken, he may by notice under regulation 15 cancel or suspend the type approval certificate or component type approval certificate.

(2) A copy of any notice given to a manufacturer under paragraph (1) of this regulation 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.

**Suspension of type approval certificates and component type approval certificates where tractors having a certificate of conformity or tractor components having a component type approval mark are altered**

14. If, after examination of a tractor or tractor component in respect of which a certificate of conformity or component type approval mark is in force, the Minister is satisfied that an alteration has been made to the tractor or tractor component, being an alteration in any of the relevant aspects of design, construction, equipment or marking which, by virtue of regulation 11(1)(c), are required to be notified by the manufacturer of the tractor or tractor component, he may by notice under regulation 15 suspend the type approval certificate or component type approval certificate to which that certificate of conformity or mark relates.

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

15.—(1) Where the Minister decides to cancel, suspend or modify a type approval certificate or component 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 a period of one month from the date on which that notice is given give the like notice to the competent authority of every other member State.

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

- (a) in the case of cancellation, shall specify the grounds for the decision to cancel;
- (b) in the case of suspension, shall specify—
  - (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 subparagraph that he is satisfied that the said conditions have been fulfilled; and
- (c) in the case of modification, shall specify particulars of the modifications, and shall in any case inform the manufacturer concerned of his right to apply for a review of the decision under regulation 16.

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

### **Review**

16.—(1) A person who is aggrieved by a decision given by or on behalf of the Minister with respect to a type approval certificate, a component type approval certificate or a component type approval mark may in accordance with paragraphs (2) and (3) of this regulation, apply to the Minister to review the decision and on such an application the Minister—

- (a) shall have the like powers and duties as he has on an original application for a type approval certificate or, as the case may be, a component type approval certificate or component type approval mark,
- (b) may hold an inquiry in connection therewith, and
- (c) may appoint an assessor for the purpose of assisting him with his review or any such inquiry.

(2) An application under paragraph (1) of this regulation 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 application for review is made was given.

(3) A notice of application for review under this regulation shall state the grounds on which the application is made and shall be accompanied by the following documents, that is to say—

- (a) copies of the documents which, in accordance with regulation 4(1) and (2), accompanied the application under that regulation for the certificate or mark in question, and
- (b) where the application for review relates to the cancellation, suspension or modification of a certificate, a copy of that certificate.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---