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STATUTORY INSTRUMENTS

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**1992 No. 3107**

**Motor Vehicles (EC Type Approval) Regulations 1992**

**PART III**

**LICENSING AND REGISTRATION**

**Powers of Secretary of State in case where vehicle a serious risk to road safety**

**9.**—(1) Where the Secretary of State considers that vehicles of a particular type in respect of which an EC type approval has effect are a serious risk to road safety, he may direct that for a specified period not exceeding six months, all EC certificates of conformity issued under that EC type approval (whether before or after the giving of the direction) shall be invalid for the purposes of—

- (a) Part II of the 1988 Act,
- (b) Part IV of the 1981 Order, and
- (c) regulation 10.

(2) A direction under this regulation may be revoked by the Secretary of State.

(3) Notice of a direction under this regulation shall be given to the holder of the EC type approval.

(4) If, following a request by the holder, the Secretary of State refuses to exercise his powers under paragraph (2) in relation to a direction given by him under this regulation, he shall give notice of his decision to the holder.

**Conditions for grant of first licence or registration**

**10.**—(1) Subject to paragraphs (4) to (9), where application is made for a first licence under the Vehicles (Excise) Act 1971<sup>(1)</sup> for a light passenger vehicle the licence shall not be granted unless one of the conditions in paragraph (3) is satisfied.

(2) Subject to paragraphs (4) to (9), the Secretary of State shall not register a light passenger vehicle under section 19 of the Vehicles (Excise) Act 1971, as applied by regulations under section 23(3)(a) of that Act (as set out in paragraph 20 of Part I of Schedule 7 to that Act) to vehicles in respect of which duty is not chargeable under that Act, unless one of the conditions in paragraph (3) is satisfied.

(3) The conditions referred to in paragraphs (1) and (2) are that—

- (a) it is shown that an EC certificate of conformity has effect with respect to the vehicle, or
- (b) a Minister's approval certificate issued under section 58(1) of the 1988 Act has effect with respect to the vehicle.

(4) Paragraphs (1) and (2) shall not apply before 1st January 1998 in relation to a vehicle which—

- (a) conforms with a type vehicle in respect of which a national type approval certificate was issued before 1st January 1996,

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(1) 1971 c. 10.

- (b) conforms with a vehicle in respect of which a Minister's approval certificate was issued under section 58(1) of the 1988 Act before 1st January 1996, or
  - (c) belongs to the same type as a vehicle registered under section 19 of the Vehicles (Excise) Act 1971 before 1st January 1996.
- (5) Paragraphs (1) and (2) shall not apply at any time before 1st January 1998 in relation to a vehicle belonging to a type of vehicle in respect of which an EC type approval certificate has been issued before 1st January 1996 as an incomplete vehicle.
- (6) Paragraphs (1) and (2) shall not apply at any time before 1st January 2000—
- (a) in relation to a vehicle which falls within paragraph (5) and which—
    - (i) conforms with a type vehicle in respect of which a national type approval certificate was issued before 1st January 1998,
    - (ii) conforms with a vehicle in respect of which a Minister's approval certificate was issued under section 58(1) of the 1988 Act before 1st January 1998, or
    - (iii) belongs to the same type as a vehicle registered under section 19 of the Vehicles (Excise) Act 1971 before 1st January 1998, or
  - (b) in relation to a vehicle which falls within paragraph (4) and which belongs to a type of vehicle in respect of which an EC type approval certificate has been issued before 1st January 1998 as an incomplete vehicle.
- (7) For the purposes of paragraphs (4)(a) and (6)(a)(i), a vehicle in respect of which a national certificate of conformity has effect shall be taken to conform with the relevant type vehicle; and for the purposes of paragraphs (4)(b) and (6)(a)(ii) a vehicle in respect of which a Minister's approval certificate issued under section 58(4) of the 1988 Act has effect shall be taken to conform with the relevant vehicle in respect of which such a certificate was issued under section 58(1) of that Act.
- (8) For the purposes of paragraphs (4) to (6), a vehicle belongs to a particular type only if it would be treated for the purposes of the Directive as belonging to that type.
- (9) Paragraphs (1) and (2) shall not apply in relation to—
- (a) the licensing or registration by a public or local authority of any vehicle intended by that authority to be used by them for the purposes of civil defence (within the meaning of the Civil Defence Act 1948(2), or
  - (b) the licensing or registration by a police authority of any vehicle intended to be used for police purposes.
- (10) Where the Secretary of State, by virtue of this regulation, refuses to grant a first licence for a vehicle, he shall give notice of his decision to the applicant.
- (11) Where the Secretary of State, by virtue of this regulation, refuses to register a vehicle in respect of which duty is not chargeable under the Vehicles (Excise) Act 1971, he shall give notice of his decision to the person who appears to him to be the keeper of the vehicle.
- (12) In this regulation—
- (a) references to a Minister's approval certificate issued under section 58(1) of the 1988 Act include references to a Department's approval certificate issued under Article 31A(4) of the 1981 Order, and
  - (b) the reference to a Minister's approval certificate issued under section 58(4) of that Act includes a reference to a Department's approval certificate issued under Article 31A(5) of that Order.
- (13) In this regulation—

“conform” means conform (within the meaning of section 55(3) of the 1988 Act or Article 31A(7) of the 1981 Order) with the relevant aspects of design, construction, equipment and marking (as defined in section 54(6) of that Act or Article 31A(7) of that Order),

“national certificate of conformity” means a certificate of conformity issued under section 57(1) of the 1988 Act or Article 31A(3) of the 1981 Order, and

“national type approval certificate” means a type approval certificate issued under section 55(2) of the 1988 Act or Article 31A(2) of the 1981 Order.