
STATUTORY INSTRUMENTS

1995 No. 1513

ROAD TRAFFIC

The Motor Cycle (EC Type Approval) Regulations 1995

<i>Made</i>	- - - -	<i>10th June 1995</i>
<i>Laid before Parliament</i>		<i>19th June 1995</i>
<i>Coming into force</i>	- -	<i>10th July 1995</i>

The Secretary of State for Transport, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme, in exercise of the powers conferred by that section and of all powers enabling him in that behalf, hereby makes the following Regulations:—

PART I
PRELIMINARY

Commencement, citation and extent

1.—(1) These Regulations may be cited as the Motor Cycles (EC Type Approval) Regulations 1995 and shall come into force on 10th July 1995.

Interpretation

2.—(1) In these Regulations—

“the 1988 Act” means the Road Traffic Act 1988⁽³⁾;

“the motor cycle Directive” means Council Directive 92/61/EEC⁽⁴⁾ of 30th June 1992 relating to the type approval of two or three wheel motor vehicles;

“EC certificate of conformity” means any certificate of conformity issued by the holder of an EC type approval certificate—

(a) under regulation 4, or

(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) 1988 c. 52.

(4) OJNo. L225, 10.8.92, p.72.

- (b) under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7 of the Directive;

“EC type approval” means—

- (a) vehicle type approval in relation to a vehicle granted pursuant to the motor cycle Directive, or
- (b) component type approval granted pursuant to a separate Directive, and references to an application for EC type approval and other cognate expressions shall be construed accordingly;

“EC type approval certificate” means a type approval certificate issued—

- (a) under regulation 3(5), or
- (b) under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 4 of the motor cycle Directive;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(5);

“EEA State” means a state which is a contracting Party to the EEA Agreement but, until the EEA Agreement comes into force in relation to Liechtenstein, does not include the State of Liechtenstein; and

“separate Directive” means a Directive specified in column (2) of an item in the Schedule to these Regulations.

(2) Other expressions used in these Regulations which are also used in the motor cycle Directive shall have the same meaning as in that Directive and cognate expressions shall be construed accordingly.

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

- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations, and
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

PART II

EC TYPE APPROVAL GRANTED BY THE SECRETARY OF STATE

Applications for grant or amendment of EC type approval

3.—(1) An application for EC type approval may be made to the Secretary of State.

(2) Such an application shall be in writing and accompanied by the documents required by Article 3 of the motor cycle Directive.

(3) An application by the holder of an EC type approval certificate issued by the Secretary of State for the approval to be amended shall be made to the Secretary of State.

(4) Where the Secretary of State decides to refuse an application made under this regulation he shall give notice of the refusal to the applicant.

(5) Where the Secretary of State decides to grant or amend an EC type approval he shall issue an EC type approval certificate or (as the case may be) an amended EC type approval certificate.

(6) Such a certificate shall be in the form required by the motor cycle Directive or the relevant separate Directive (as the case may be).

(7) The Secretary of State may grant EC component type approval subject to restrictions on the use of, or conditions as respects the fitting of, a separate technical unit or component (as the case may be) of the type to which the approval relates and when he does so he shall, unless the applicant has consented to the restrictions or conditions, give notice of his decision to the applicant.

(8) The Secretary of State may refuse to grant EC vehicle type approval if he is not satisfied that the applicant has made adequate arrangements for complying with regulation 5.

(9) The Secretary of State may refuse to grant EC component type approval if he is not satisfied that the applicant has made adequate arrangements for complying with regulation 5, 7 or 8.

(10) Without prejudice to paragraphs (8) and (9) the Secretary of State shall make any decision under this regulation in accordance with the motor cycle Directive and any relevant separate Directives and in particular the requirement of the motorcycle Directive that a member State granting EC type approval must ensure that adequate arrangements have been made to ensure that production vehicles, components and separate technical units (as the case may be) conform to the EC approved type.

EC certificates of conformity and approval marks

4.—(1) The holder of an EC vehicle type approval certificate granted by the Secretary of State shall comply with the requirements of the first sentence of Article 7(1) of the motor cycle Directive (holders of EC vehicle type approval to issue certificates of conformity).

(2) The holder of an EC component type approval certificate granted by the Secretary of State shall comply with Articles 7(2) and (4) and 8 of the motor cycle Directive (holders of EC component type approval to issue certificates of conformity and affix markings) so far as those provisions are applicable.

Conformity of production

5. The holder of an EC type approval certificate granted by the Secretary of State shall comply with paragraphs 1.1 to 1.1.6 of Annex VI to the motor cycle Directive (provisions relating to checking the conformity of production).

Duty to co-operate with the Secretary of State

6. The holder of an EC type approval certificate granted by the Secretary of State shall permit the Secretary of State to carry out his obligations in relation to the approval under Article 4(3) and (5) of the motor cycle Directive or any similar provision under a separate Directive and shall cooperate with any person acting on behalf of the Secretary of State in connection with those obligations.

Information concerning restrictions on use of components and separate technical units

7. Where an EC component type approval certificate has, pursuant to regulation 3(5), been granted by the Secretary of State subject to restrictions, the holder shall comply with the requirements of Article 7(5) of the motor cycle Directive.

Information concerning separate technical units of non-original equipment

8. Where an EC component type approval for a separate technical unit of non-original equipment has, pursuant to regulation 3(5), been granted by the Secretary of State in connection with one or more types of vehicle, the holder shall comply with the requirements of Article 7(6) of the motor cycle Directive.

Withdrawal or suspension of EC type approval

9.—(1) If the Secretary of State, after an examination has been carried out on his behalf of two or more—

- (a) vehicles associated with a single EC vehicle type approval granted by him, or
- (b) separate technical units or components, being separate technical units or components associated with a single EC component type approval granted by him, is satisfied that there has been a failure to conform to the approved type on the part of each of those vehicles or, as the case may be, each of those vehicle components or separate technical units or components, he may by notice given to the holder withdraw the EC type approval.

(2) If, as a result of carrying out the obligations of the United Kingdom under Article 4(3) of the motor cycle Directive (competent authorities to ensure that certain provisions of the Directive continue to be observed) in relation to an EC type approval granted by him, the Secretary of State is satisfied that—

- (a) the holder's arrangement for ensuring that production vehicles, separate technical units or components (as the case may be) conform to the approved type are no longer adequate, or
- (b) without prejudice to sub-paragraph (a), the holder has failed to comply with the requirements imposed by or under regulations 5, 6, 7 or 8, so far as those requirements are applicable,

the Secretary of State may by notice given to the holder suspend the EC type approval.

(3) Before withdrawing or suspending an EC type approval under this regulation, the Secretary of State must give the holder notice stating that he is considering withdrawing the approval and must give particulars of the grounds on which he is considering doing so.

(4) Where the Secretary of State gives notice to a holder under paragraph (3)—

- (a) the holder may, within the period of 28 days beginning with the day on which notice is given, make representations with respect to the proposed withdrawal or suspension,
- (b) the Secretary of State must not decide to withdraw or suspend the approval until the expiration of that period, and
- (c) before deciding whether or not to withdraw or suspend the approval, the Secretary of State must take into account any such representations made by the holder during that period.

(6) If the holder of an EC type approval which has been suspended under this regulation purports to issue a certificate of conformity by virtue of that approval, the certificate shall be invalid, but a suspension shall not affect the validity of any certificate of conformity issued before the approval is suspended.

(7) A suspension under this regulation shall remain in force until it is revoked by the Secretary of State.

(8) The Secretary of State may, by notice under paragraph (3) or by subsequent notice given to the holder, exempt from paragraph (6) such EC certificates of conformity or classes of EC certificates of conformity as are specified in the notice.

(9) If, following a request by the holder, the Secretary of State refuses to exercise his powers under paragraph (7) or (8) in relation to an EC type approval which has been suspended under this regulation, he shall give notice of his decision to the holder.

(10) For the purposes of this regulation—

- (a) a vehicle is associated with an EC vehicle type approval if an EC certificate of conformity has been issued in respect of it and the certificate relates to that type approval, and
- (b) a separate technical unit or component is associated with an EC component type approval if it has been marked with an approval mark and the marking relates to that type approval,

or if an EC certificate of conformity has been issued in respect of it and the certificate relates to that type approval.

PART III MISCELLANEOUS

Forgery, false statements etc

- 10.**—(1) A person who, with intent to deceive,
- (a) forges, alters or uses a document to which this paragraph applies, or
 - (b) lends to, or allows to be used by, any other person a document to which this paragraph applies, or
 - (c) makes or has in his possession any document so closely resembling a document to which this paragraph applies as to be calculated to deceive, shall be guilty of an offence.
- (2) A person guilty of an offence under paragraph (1) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.
- (3) Paragraph (1) applies to an EC type approval certificate or an EC certificate of conformity.
- (4) A person who, in supplying information or producing documents for the purposes of these Regulations—
- (a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
 - (b) produces, provides, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, provides, sends or otherwise makes use of a document which is false in a material particular,
- shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Duty to give reasons etc

- 11.**—(1) A relevant notice shall specify the reasons for the decision to which it relates, the right to request a review under these Regulations and the time limit for making such a request.
- (2) In this regulation and regulation 12, “relevant notice” means a notice under—
- (a) regulation 3(4) or (7), or
 - (b) regulation 9(1) or (2).

Review of decisions

- 12.**—(1) Where the Secretary of State has given a relevant notice to a person, that person may by notice in writing request the Secretary of State to review the decision to which the relevant notice relates.
- (2) Such a request must be made by the person within 28 days from the date that he receives the relevant notice.
- (3) On any review under this regulation the Secretary of State may—
- (a) hold an inquiry in connection with it, and

(b) appoint an assessor for the purpose of assisting him with the review or any such inquiry.

(4) Section 180 of the 1988 Act shall apply to an inquiry under this regulation as it applies to an inquiry under that Act.

(5) In its application to Northern Ireland by virtue of paragraph (4), section 180 of the 1988 Act shall have effect as if in paragraph (a) of subsection (2) after the word “Wales” there were inserted the words “or Northern Ireland”.

Service of notices

13.—(1) Any document required or authorised by virtue of these Regulations to be given to any person by the Secretary of State may be given—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address, or
- (b) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) on the secretary or clerk of that body, or
- (c) if the person is a partnership, by serving it in accordance with sub-paragraph (a) on a partner or a person having the control or management of the partnership business.

(2) For the purposes of this regulation and section 7 of the Interpretation Act 1978⁽⁶⁾ (which relates to the service of documents by post) in its application to this regulation, the proper address of any person on whom a document is to be served shall be his last known address, except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body,
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership,

and for the purposes of this regulation the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(3) If a person to be served by virtue of these Regulations with any document by the Secretary of State has specified to the Secretary of State an address within the United Kingdom other than his proper address (as determined in pursuance of paragraph (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this regulation and for the purposes of the said section 7 in its application to this regulation.

Provision of testing stations

14. The Secretary of State may provide and maintain stations where examinations of vehicles to which these Regulations apply and of components of such vehicles may be carried out for the purposes of these Regulations and may provide and maintain the apparatus for carrying out such examinations.

Transitional

15. The Secretary of State shall not grant EC vehicle type approval until, in relation to each of the subject matters shown in the second column of Annex I to the Motor Cycle Directive against which appear the letters “SD”—

- (a) a Community instrument has been made; and

(6) 1978 c. 30.

- (b) member States are, by virtue of a Community obligation, required to have given legal effect to that instrument.

Signed by authority of the Secretary of State for Transport

Department of Transport
10th June 1995

Steven Norris
Parliamentary Under Secretary of State

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

THE SCHEDULE

Regulation 2(1)

SEPARATE DIRECTIVES

<i>(1) Item</i>	<i>(2) Principle Directive</i>	<i>(3) Official Journal reference</i>	<i>(4) Subject matter</i>
1	93/14/EEC	L121, 15.5.93, p.1	Braking
2	93/29/EEC	L188, 29.7.93, p.1	Identification of controls
3	93/30/EEC	L188, 29.7.93, p.11	Audible warning devices
4	93/31/EEC	L188, 29.7.93, p.19	Stands
5	93/32/EEC	L188, 29.7.93, p.28	Passenger hand holds
6	93/33/EEC	L188, 29.7.93, p.32	Unauthorised use
7	93/34/EEC	L188, 29.7.93, p.38	Statutory markings
8	93/92/EEC	L311, 14.12.94, p.1	Installation of lighting
9	93/93/EEC	L311, 14.12.93, p.76	Masses and dimensions
10	93/94/EEC	L311, 14.12.93, p.83	Space for rear plate

Note: All the above Directives are Council Directives.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive [92/61/EEC](#).

The Directive makes provision for member States to set up a system for granting EC type approval for motor cycles. This provision now applies to EEA States. It also contains similar provisions for parts of motor cycles.

Part I of the Regulations contains preliminary provisions.

Part II of the Regulations contains provisions relating to:

- (a) applications to the Secretary of State for EC type approval;
- (b) the grant of EC type approval by the Secretary of State;
- (c) the duties of holders of type approval granted by the Secretary of State including a duty to supply an EC certificate of conformity with each vehicle and to affix an approval mark to each part that conforms with the approved type; and
- (d) the withdrawal or suspension of EC type approval granted by the Secretary of State.

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Part III of the Regulations contains miscellaneous provisions. These include provisions creating offences relating to EC type approval such as forging an EC type approval certificate or an EC certificate of conformity and making false statements.

Regulation 15 provides that the Secretary of State shall not grant EC vehicle type approval until the process of making separate Directives envisaged by Council Directive [92/61/EEC](#) is complete.

Copies of the EC Directives referred to in the Regulations can be obtained from Her Majesty's Stationery Office.