

---

STATUTORY INSTRUMENTS

---

**1995 No. 1513**

**The Motor Cycle (EC Type Approval) Regulations 1995**

**PART II**

**EC TYPE APPROVAL GRANTED BY THE SECRETARY OF STATE**

**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.