
STATUTORY INSTRUMENTS

1998 No. 1672

The Motor Vehicles (Tests) (Amendment) Regulations 1998

Amendments to regulation 5 (classification of vehicles and application of Regulations)

5.—(1) Regulation 5 shall be amended as follows.

(2) In paragraph (1) for the entries relating to Classes IV, V and VI there shall be substituted—

“Class IV:	Motor cars and heavy motor cars not being vehicles within Classes III, IVA, V, VA, VI, VIA or VII
Class IVA:	Minibuses, other than vehicles to which paragraph (4) applies, not being vehicles within Classes III, V, VA, VI or VIA, in respect of which any forward-facing seat is fitted with a relevant seat belt
Class V:	Motor vehicles not being vehicles within Class VA which are— (a) Large passenger-carrying vehicles; (b) Public service vehicles— (i) of a type specified in paragraph (3), and (ii) constructed or adapted to carry more than 12 seated passengers, and (c) Play buses
Class VA:	Motor vehicles, other than vehicles to which paragraph (4) applies, which are— (a) Large passenger-carrying vehicles; (b) Public service vehicles— (i) of a type specified in paragraph (3), and (ii) constructed or adapted to carry more than 12 seated passengers, and (c) Play buses, in respect of which any forward-facing seat is fitted with a relevant seat belt
Class VI:	Public service vehicles, other than those of a type specified in paragraph (3), not being vehicles within Class VIA
Class VIA:	Public service vehicles, not being vehicles to which paragraph (4) applies, other than those of a type specified in paragraph (3), in respect of

which any forward facing seat is fitted with a relevant seat belt”.

(3) In paragraph (3) for “Class V” there shall be substituted “Class V or VA”.

(4) After paragraph (3) there shall be added the following paragraphs—

“(4) This paragraph applies to vehicles, in respect of which—

- (a) a certificate of initial fitness has been issued on or after 1st August 1998; or
- (b) one or more forward-facing seats are fitted with a relevant seat belt, which, when so equipped, are of a type of vehicle in respect of which the Secretary of State is satisfied that the vehicle manufacturer holds—
 - (i) an approval issued by or on behalf of the approval authority of an EEA State confirming compliance with the installation requirements of Community Directives 77/541(1), 82/319(2), 90/628(3) or 96/36(4); and
 - (ii) either—
 - (A) an approval issued by or on behalf of the approval authority of an EEA State confirming compliance with the technical and installation requirements of Community Directives 76/115(5), 81/575(6), 82/318(7), 90/629(8) or 96/38(9); or
 - (B) an approval issued by or on behalf of the competent authority of a contracting State confirming compliance with the technical and installation requirements of ECE Regulation 14, 14.01, 14.02 or 14.03.

(5) In this regulation—

“approval authority” has the same meaning as in Community Directive 70/156(10);

“certificate of initial fitness” has the same meaning as in section 6 of the Public Passenger Vehicles Act 1981(11);

“contracting State” means a State which is a party to the International Agreement;

“EEA State” means a State which is a contracting party to the EEA Agreement;

“EEA Agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992(12) as adjusted by the Protocol signed at Brussels on 17th March 1993(13);

“ECE Regulation” and “Community Directive” have the meanings given by regulation 3(2) of the Construction and Use Regulations;

“the International Agreement” means the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal

(1) OJNo. L220, 29.8.77, p.95.

(2) OJ No. L139, 19.5.82, p.17.

(3) OJ No. L341, 6.12.90, p.1.

(4) OJ No. L178, 17.7.96, p.15.

(5) OJ No. L24, 30.1.76, p.6.

(6) OJ No. L209, 29.7.81, p.30.

(7) OJ No. L319, 19.5.82, p.9.

(8) OJ No. L341, 6.12.90, p.14.

(9) OJ No. L187, 26.7.96, p.95.

(10) OJ No. L42, 23.2.70, p.1.

(11) 1981 c. 14; section 6(1)(a) was amended by paragraph 14 of Schedule 4 to the Road Traffic Act 1991 (c. 40).

(12) Cmnd 2073.

(13) Cmnd 2183.

recognition thereof concluded at Geneva on 20th March 1958⁽¹⁴⁾ as amended⁽¹⁵⁾ to which the United Kingdom is a party⁽¹⁶⁾; and

“relevant seat belt” means a seat belt, not being a disabled person’s belt or a child restraint, which—

- (a) is fitted other than as required by regulation 47 of the Construction and Use Regulations; and
- (b) on or after 1st August 1998 either—
 - (i) has not undergone an examination and been found to comply with the prescribed statutory requirements referred to in item 28A in paragraph 3A of Schedule 2; or
 - (ii) has undergone an examination and been found so to comply but is fitted in a vehicle in respect of which no test certificate has been issued to the effect that that is the case.”

⁽¹⁴⁾ Cmnd 2535.

⁽¹⁵⁾ Cmnd 3562.

⁽¹⁶⁾ By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963.