
STATUTORY INSTRUMENTS

1999 No. 2920

The Motor Cycles Etc. (EC Type Approval) Regulations 1999

PART II

EC TYPE APPROVAL GRANTED BY THE SECRETARY OF STATE

Suspension of EC type approval

14.—(1) The Secretary of State may suspend an EC type approval granted by him by giving notice to the holder if, as a result of carrying out the obligations of the United Kingdom under Article 4(3) of the Framework Directive (competent authorities to ensure that certain provisions of the Directive relating to checking the conformity of production continue to be observed) in relation to that type approval, the Secretary of State is satisfied that—

- (a) the holder's arrangements 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 regulations 8 to 12, so far as those requirements are applicable.

(2) Before suspending an EC type approval under this regulation, the Secretary of State shall give the holder notice in writing—

- (a) stating that he is considering suspending the approval, and
- (b) giving particulars of the grounds on which he is considering suspending the approval.

(3) Where the Secretary of State gives such a notice, the person to whom it is given may make representations to him with respect to the proposed suspension during a period of 28 days beginning with the day on which the notice is given.

(4) The Secretary of State shall not decide to suspend the approval until that period expires.

(5) The Secretary of State shall take into account any representations made under paragraph (3) before deciding whether or not to suspend the approval.

(6) If the holder of an EC type approval which has been suspended under this regulation purports to issue an EC certificate of conformity by virtue of that approval, the certificate shall be invalid.

(7) The Secretary of State may by notice under paragraph (2) or 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.

(8) The suspension of an EC type approval shall not affect the validity of any EC certificate of conformity issued before the approval is suspended.

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

(10) If, following a request by the holder of an EC type approval which has been suspended under this regulation, the Secretary of State refuses to revoke the suspension of that type approval or to exercise his power under paragraph (7), he shall give notice of his decision to the holder.