

2006 No. 2816

ROAD TRAFFIC

**The Motor Vehicles (EC Type Approval) (Amendment No. 4)
Regulations 2006**

<i>Made</i> - - - -	21st October 2006
<i>Laid before Parliament</i>	26th October 2006
<i>Coming into force</i> - -	30th November 2006

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) for the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme(b).

Accordingly, in exercise of the powers conferred upon him by that section, he makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (EC Type Approval) (Amendment No. 4) Regulations 2006, and shall come into force on 30th November 2006.

(2) In these Regulations, “the principal Regulations” means the Motor Vehicles (EC Type Approval) Regulations 1998(c).

Amendment of regulation 3 (interpretation)

2. In regulation 3(1) of the principal Regulations, for the definition of “the Framework Directive”, there is substituted—

““the Framework Directive” means Council Directive 70/156/EEC(d)—

(a) as amended by—

- (i) amendments up to and including those effected by Commission Directive 2004/104/EC, dated 14th October 2004(e),
- (ii) Commission Directive 2005/49/EC, dated 25th July 2005(f),
- (iii) Directive 2005/66/EC of the European Parliament and of the Council, dated 26th October 2005(g), and

(a) 1972 c. 68.

(b) S.I. 1972/1811.

(c) S.I. 1998/2051; relevant amending instruments are S.I. 1999/778, 1999/2324, 2000/869, 2000/2730, 2001/2809, 2002/1835, 2002/2743, 2003/1019, 2003/2428, 2004/73, 2004/2186, 2005/2454, 2006/142, 2006/1695 and 2006/2409.

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

(e) OJ No. L337, 13.11.2004, p.13.

(f) OJ No. L194, 26.07.2005, p.12.

(g) OJ No. L309, 25.11.2005, p.37.

- (iv) Commission Directive 2006/28/EC(a), dated 6th March 2006, and
 (b) construed as required by Article 10 of Directive 2005/55/EC of the European Parliament and of the Council, dated 28th September 2005(b).”.

Amendment of Schedule 1 (separate Directives)

3. In the table in Schedule 1 to the principal Regulations, for item 41 (diesel emissions), there is substituted—

“41	2005/55/EC†	2005/78/EC* 2006/51/EC*	L275, 20.10.2005, p.1 L313, 29.11.2005, p.1 L152, 7.6.2006, p.11	Diesel emissions”
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Signed by authority of the Secretary of State

21st October 2006

S.J. Ladyman
 Minister of State
 Department for Transport

(a) OJ No. L65, 7.3.2006, p.27.
 (b) OJ No. L275, 20.10.2005, p.1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, for the purposes of the type approval of light passenger vehicles, three EC Directives: Directive 2005/55/EC, Directive 2005/78/EC(a), and Directive 2006/51/EC(b). These measures repeal and recast Directive 88/77/EEC(c) and its amending Directives (on the emissions requirements for goods vehicles and passenger vehicles having a technically permissible maximum laden weight of more than 3.5 tonnes), and set out the implementation measures for the requirements concerning durability and on-board diagnostic systems.

To that end, these Regulations amend the Motor Vehicles (EC Type Approval) Regulations 1998 (“the principal Regulations”), which set out the procedure and technical requirements for the type approval of “light passenger vehicles”, as defined by the Road Traffic Act 1988(d). Generally speaking, these are passenger vehicles with fewer than 8 seats not including the driver’s seat, regardless of their maximum laden weight.

Regulation 2 consolidates the previous amendments of the definition of “the Framework Directive” in regulation 3(1) of the principal Regulations. It also provides that the Framework Directive is to be construed in accordance with Article 10 of Directive 2005/55/EC; this means, in particular, that references in the Framework Directive to Directive 88/77/EEC are to be read as references to Directive 2005/55/EC.

The Table in Schedule 1 to the principal Regulations (“the Table”) lists separate Directives, which lay down technical requirements for vehicle components and features of construction. By replacing item 41 in the Table with an item listing Directives 2005/55/EC, 2005/78/EC and 2006/51/EC, *regulation 3* requires a type of light passenger vehicle to comply with the requirements of these Directives in order to receive EC type approval.

In line with the principal Regulations, the use of the symbol † denotes that the Directive specified is a Directive of the European Parliament and of the Council, and the use of the symbol * denotes that the Directive is a Commission Directive.

A full Regulatory Impact Assessment of the effect that the implementation of Directives 2005/55/EC and 2005/78/EC will have on the costs of businesses has been prepared and is available from Gus Gander of the Vehicle Certification Agency of the Department for Transport, 1 Eastgate Office Centre, Eastgate Road, Bristol BS5 6XX (Tel: 01179 524119, e-mail: ggander@vca.gov.uk), and from the Office of Public Sector Information website (www.opsi.gov.uk). A Regulatory Impact Assessment has not been produced in respect of the implementation of Directive 2006/51/EC as it has no impact on the costs or savings of business, charities, the voluntary sector or public sector. A Transposition Note has been prepared, and is available from the same sources as the regulatory impact assessment.

(a) OJ No. L313, 29.11.2005, p.1.
(b) OJ No. L152, 7.6.2006, p.11.
(c) OJ No. L36, 9.2.1988, p.33.
(d) 1988 c. 52.

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