

**2007 No. 361**

**ROAD TRAFFIC**

**The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2007**

<i>Made</i> - - - -	<i>10th February 2007</i>
<i>Laid before Parliament</i>	<i>14th February 2007</i>
<i>Coming into force</i> - -	<i>14th March 2007</i>

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred upon him by sections 41(1), (2) and (5), and 54(1) of the Road Traffic Act 1988(a).

In accordance with section 195(2) of that Act, he has consulted representative organisations before making these Regulations.

**Citation, commencement, and interpretation**

1.—(1) These Regulations may be cited as the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2007.

(2) These Regulations shall come into force on 14th March 2007.

(3) In these Regulations—

“the 1982 Regulations” means the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982(b);

“the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(c).

**Amendment of Schedule 1C to the 1982 Regulations**

2.—(1) Schedule 1C to the 1982 Regulations is amended as follows.

(2) In paragraph 1(1), after the words “type approval end of series vehicle”, there is inserted “, a light goods type approval end of series vehicle”.

(3) In paragraph 1(2)(a), after the words ““type approval end of series vehicle””, there is inserted “, “light goods type approval end of series vehicle””, and after the numeral “II” there is inserted “, IIA”.

(4) In paragraph 2(2), before paragraph (a), there is inserted—

“(aa) it is not a light goods type approval end of series vehicle in relation to the item;”

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(a) 1988 c.52. Section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.

(b) S.I. No. 1982/1271. Relevant amending instruments are S.I. 1996/2331, 2003/1866 and 2006/2565.

(c) S.I. 1986/1078. Relevant amending instruments are S.I. 1990/1131, 1991/1526, 1992/2137, 1995/2210, 1996/2329, 1996/3017, 1997/1458, 1997/1544, 1998/1000, 1998/1188, 2000/3197, 2001/306, 2001/1474, 2001/1825, 2001/3208 and 2006/2565.

(5) After paragraph 5, there is inserted—

## “PART IIA

### Meaning of “light goods type approval end of series vehicle”

**5A.**—(1) For the purposes of paragraph 1, a vehicle is a light goods type approval end of series vehicle in relation to an item if—

- (a) it is a vehicle in category N1 (within the meaning of regulation 2(6));
- (b) it is a vehicle to which paragraph 3(4) applies;
- (c) it was manufactured during the two year period ending immediately before the relevant date;
- (d) no EC certificate of conformity has been issued in respect of the vehicle;
- (e) at least three months before the relevant date, there was in force for the vehicle a certificate of conformity or a sub-MAC; and the MAC or TAC (as the case may be) had been issued by virtue of an emissions or noise item that—
  - (i) then applied to the vehicle, but
  - (ii) ignoring this Schedule, would have ceased to apply immediately before that date under regulation 4(4B);
- (f) it was in the territory of a relevant state at some time before the relevant date; and
- (g) it was first used on or after the day when the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2007 came into force.

(2) In this paragraph—

- “MAC”, “sub-MAC” and “TAC” have the same meaning as in paragraph 2;
- “relevant state” has the same meaning as in paragraph 5.”

### **Transitional provisions**

**3.**—(1) Paragraph 2(2) of Schedule 7XA to the 1986 Regulations applies to a light goods type approval end of series vehicle that was first used before 1st January 2008 as if, by virtue of Schedule 1C to the 1982 Regulations, the type approval requirements in items 2B and 2G in the Table in Part I of Schedule 1 to the 1982 Regulations applied to the vehicle on 1st January 2007.

(2) In paragraph 2(2) of Schedule 7XA to the 1986 Regulations, after the words “For the purposes of paragraph 1”, there is inserted “, and subject to regulation 3 of the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2007”.

(3) In this regulation—

“first used” has the same meaning as in the 1982 Regulations(**a**);

“light goods type approval end of series vehicle” has the same meaning as in Schedule 1C to the 1982 Regulations(**b**).

Signed by authority of the Secretary of State for Transport

10th February 2007

*S.J.Ladyman*  
Minister of State  
Department for Transport

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(a) See regulation 2(4)(b) of the 1982 Regulations.

(b) See regulation 2 of these Regulations.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 (“the 1982 Regulations”) to change the method used to determine whether a vehicle of category N1 is an “end of series” vehicle in relation to a particular type approval requirement, and the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) to make transitional provisions, made necessary by the fact that these Regulations will enter into force at a time when a “stage” of emissions requirement will already be in progress.

The 1982 Regulations set out the technical requirements with which a goods vehicle must comply in order to receive national type approval in Great Britain. Some of these requirements are emissions requirements defined by Directive 70/220/EEC(a), dated 20 March 1970 (see, in particular, row B of the table in section 5.3.1.4 of Annex I, section 8 of that Annex, and Annex XI). These requirements are being progressively tightened up in “stages”: vehicles entering into service during a particular “stage” must comply with stricter emissions requirements than those having entered into service in the previous “stage”. Different “stages” may concern different subject-matters, and more than one “stage” may start on the same date. The dates for the “stages” are set out in section 8 of Annex I of Directive 70/220/EEC and various Directives amending it, including, in particular, Directive 98/69/EC(b) (of which see, in particular, Article 2(5)) and Directive 2002/80/EC(c) (of which see, in particular, Article 2(3) and 2(4)). However, during the first year of a “stage”, Member States are permitted to allow the entry into service of a limited number of vehicles that comply with the requirements of the previous stage but not the current one. Such vehicles are referred to as “end of series vehicles”.

The general provisions regarding end of series vehicles, including the limit on the number of vehicles that can benefit from the end of series derogation, are set out in Article 8(2)(b) of and Part B of Annex XII to Directive 70/156/EEC, dated 6th February 1970(d) (the Framework Directive on vehicle type approval). Under these provisions, Member States have a choice between two ways of setting the limit. One is to allow the entry into service of a percentage of the number of vehicles that entered into service during the year preceding the beginning of the “stage”. This had been the method used under the 1982 Regulations before these Regulations came into force. The other is to allow the entry into service of all vehicles in respect of which a certificate of conformity had been issued at least three months before the beginning of the “stage”, even if the certificate would otherwise have lost its validity because of the beginning of the “stage”.

By inserting a new Part IIA into Schedule 1C to the 1982 Regulations, which deals with end of series vehicles, *regulation 2* provides that the latter method will be applied to vehicles of category N1 entering into service after the entry into force of these Regulations. “Vehicles of category N1” is defined by Annex II to the Framework Directive as goods vehicles with a maximum mass not exceeding 3.5 tonnes.

Schedule 7XA to the 1986 Regulations has the effect that if, by virtue of Schedule 1C to the 1982 Regulations, the type approval requirements applying to a vehicle before the beginning of a stage are the same as those after the beginning of that stage (which will be the case for an end of series vehicle to which the 1982 Regulations apply), then the requirements applying to that vehicle are deemed to be those of the earlier stage for the purposes of regulation 61A of the 1986 Regulations. The effect of *regulation 3* is that, even though these Regulations enter into force after the 1st January 2007, which is the beginning of two “stages” of emission requirements (one concerning limit values and one concerning On-Board Diagnostic systems) for N1 vehicles of class II and III, as defined by the table in paragraph 5.3.1.4 of Annex I to Directive 70/220, vehicles that were first used after these Regulations entered into force will be subject to the requirements applying to the

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(a) OJ No. L76, 6.4.1970, p.1, as last amended by Commission Directive 2003/76/EC, dated 11th August 2003, OJ No. L206, 15.8.2003, p.29.

(b) OJ No. L350, 28.12.1998, p.1.

(c) OJ No. L291, 28.10.2002, p.20.

(d) OJ No. L42, 23.2.1970, p.1, as last amended by Directive 2006/40/EC of the European Parliament and of the Council dated 17th May 2006, OJ No. L161, 14.06.2006, p.12.

earlier stages for the purposes of the 1986 Regulations, provided they were first used before 1st January 2008.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Tony Baker at the Department for Transport (tel: 020 7944 2063 or e-mail: [tonyt.baker@dft.gsi.gov.uk](mailto:tonyt.baker@dft.gsi.gov.uk)), and is annexed to the Explanatory Memorandum which is available alongside the instrument on the website of the Office of Public Sector Information ([www.opsi.gov.uk](http://www.opsi.gov.uk)).

This Explanatory Note incorporates the Transposition Note that would otherwise be required.

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