

2008 No. 1980

ROAD TRAFFIC

**The Tractor etc (EC Type-Approval) (Amendment) Regulations
2008**

<i>Made</i> - - - -	<i>23rd July 2008</i>
<i>Laid before Parliament</i>	<i>28th July 2008</i>
<i>Coming into force</i> - -	<i>8th September 2008</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State for Transport has been designated for the purposes of section 2(2) in relation to 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) and in relation to the regulation of the type, description, construction or equipment of agricultural or forestry tractors and of their components, and in particular any type approval scheme for such tractors(c).

Citation and commencement

1. These Regulations may be cited as the Tractor etc (EC Type-Approval) (Amendment) Regulations 2008 and shall come into force on 8th September 2008.

Amendment of the Tractor etc (EC Type-Approval) Regulations 2005

2.—(1) Regulation 2 of the Tractor etc (EC Type-Approval) Regulations 2005(d) is amended as follows.

(2) After the definition of “certificate of conformity” insert—

““codified” in relation to a directive means codified in accordance with the procedure provided for in the interinstitutional agreement of 20 December 1994 on accelerated working method for the official codification of legislative texts made between the Commission of the European Communities, the European Parliament and the Council of the European Union (e);”

(3) For the definition of “separate directive” substitute—

““separate directive” means—

(a) a directive listed in Annex II, Chapter B of the Tractor Type Approval Directive;
or

(a) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51).

(b) S.I. 1972/1811.

(c) S.I. 1975/427.

(d) S.I. 2005/390, amended by S.I. 2006/2533.

(e) OJ No C102, 4.4.1996, p. 2.

(b) where such a directive has been codified, the codified directive,
as amended by such Community instruments as are in force on the day the Tractor etc
(EC Type-Approval) (Amendment) Regulations 2008^(a) are made;”.

(4) In the definition of “the Tractor Type Approval Directive” for “as read with Council
Directive 2004/66/EC and as amended by Commission Directives 2005/13/EC and 2005/67/EC”
substitute “as amended by such Community instruments as are in force on the day the Tractor etc
(EC Type-Approval) (Amendment) Regulations 2008 are made”.

Signed by the authority of the Secretary of State

23rd July 2008

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

^(a) S.I. 2008/1980.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Tractor etc (EC Type-Approval) Regulations 2005 (the “principal Regulations”). The principal Regulations transposed Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC (OJ No L171, 9.7.2003, p. 1). They did this by providing for a system to type approve tractors (and certain other types of vehicle) (“tractor type approval”). In making the amendments these Regulations transpose, in relation to tractor type approval, Council Directive 2006/96/EC of 20 November 2006 adapting certain Directives in the field of free movement of goods, by reason of the accession of Bulgaria and Romania (OJ No L363, 20.12.2006, p. 81). 2006/96/EC amends a number of directives to reflect that Bulgaria and Romania are now Member States.

These Regulations also transpose Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors (OJ No L24, 29.1.2008, p. 30). 2008/2/EC codifies Council Directive 74/347/EEC of 25 June 1974 on the approximation of the laws of the Member States relating to the field of vision and windscreen wipers for wheeled agricultural or forestry tractors (OJ No L191, 15.7.1974, p. 5) as last amended by Directive 97/54/EC of the European Parliament and of the Council of 23 September 1997 amending, as regards the maximum design speed of wheeled agricultural or forestry tractors, Council Directives 74/150/EEC, 74/151/EEC, 74/152/EEC, 74/346/EEC, 74/347/EEC, 75/321/EEC, 75/322/EEC, 76/432/EEC, 76/763/EEC, 77/311/EEC, 77/537/EEC, 78/764/EEC, 78/933/EEC, 79/532/EEC, 79/533/EEC, 80/720/EEC, 86/297/EEC, 86/415/EEC and 89/173/EEC (OJ No L277, 10.10.1997, p. 24). 74/347/EEC is one of the directives listed in Annex II, Chapter B of the Tractor Type Approval Directive.

Regulation 2 amends the definitions of “separate directive” and “the Tractor Type Approval Directive”. The consequence of the amendment to the definition of “separate directive” is that a reference to that phrase in the principal Regulations is to a directive listed in Annex II, Chapter B of the Tractor Type Approval Directive, or, if appropriate, to the codified version of the directive, as amended at the date of the making of these Regulations. The consequence of the amendment to the definition of “the Tractor Type Approval Directive” is that a reference to that phrase in the principal Regulations is to 2003/37/EC as amended at the date of the making of these Regulations.

An Impact Assessment has not been produced as no impact on the private or voluntary sectors is foreseen.

A transposition note has been prepared for these Regulations. The note is available on the Department for Transport website, www.dft.gov.uk. The note is also attached to the explanatory memorandum for these Regulations which is available on the OPSI website, www.opsi.gov.uk.

STATUTORY INSTRUMENTS

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