
STATUTORY INSTRUMENTS

2009 No. 1899

**The Motor Vehicles (Replacement of Catalytic Converters
and Pollution Control Devices) Regulations 2009**

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Replacement of Catalytic Converters and Pollution Control Devices) Regulations 2009 and come into force on 13th August 2009.

Interpretation

2.—(1) A reference in these Regulations to a vehicle being of category M or N followed by a number in subscript is to be construed in accordance with Annex II to the second Framework Directive where the vehicle was approved pursuant to the requirements of that Directive and, in all other cases, Annex II to the first Framework Directive.

(2) In these Regulations—

“the 1982 Regulations” means the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982(1);

“the 1984 Regulations” means the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984(2);

“the 1985 Regulations” means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(3);

“the 1998 Regulations” means the Motor Vehicles (EC Type Approval) Regulations 1998(4);

“the 2007 Regulations” means the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 2007(5);

“the 2009 Regulations” means the Road Vehicles (Approval) Regulations 2009(6);

“the first Framework Directive” means Council Directive [70/156/EEC](#)(7);

“the second Framework Directive” means Directive [2007/46/EC](#) of the European Parliament and of the Council(8);

“ECE Regulation 83” means Regulation 83 which is an annex to the UNECE Agreement and contains uniform provisions concerning the approval of vehicles with regard to the emission of pollutants according to engine fuel requirements;

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- (1) [S.I. 1982/1271](#); amended by [S.I. 1984/697](#), [1987/1508](#), [1992/3084](#) and [2003/1866](#); there are other amending instruments but none is relevant.
- (2) [S.I. 1984/981](#); amended by [S.I. 1987/1509](#), [1992/2908](#) and [1997/1502](#); there are other amending instruments but none is relevant.
- (3) [S.R. 1985/294](#); revoked by [S.I. 1998/2051](#).
- (4) [S.I. 1998/2051](#); revoked by [S.I. 2009/717](#).
- (5) [S.R. 2007/240](#).
- (6) [S.I. 2009/717](#).
- (7) OJ No L42, 23.2.70, p. 1; last amended by Commission Directive [2007/37/EC](#) (OJ No L161, 22.6.07, p. 60).
- (8) OJ No L263, 9.10.07, p.1; amended by [Commission Regulation \(EC\) No 1060/2008](#) (OJ No L292, 31.10.08, p.1).

“ECE Regulation 103” means Regulation 103 which is an annex to the UNECE Agreement and contains uniform provisions concerning the approval of replacement catalytic converters for power-driven vehicles (as in force on 4th April 2005);

“enforcement authority” means the Secretary of State;

“original equipment catalytic converter” has the meaning given by section 2.17 of Annex I to the Vehicle Emissions Directive or paragraph 2.1 of ECE Regulation 103;

“original pollution control device” has the meaning given in paragraph 12 of article 3 of Regulation (EC) No 715/2007 of the European Parliament and of the Council⁽⁹⁾;

“original replacement catalytic converter” means a catalytic converter within the meaning of section 2.19 of Annex I to the Vehicle Emissions Directive or paragraph 2.3 of ECE Regulation 103;

“original replacement pollution control device” has the meaning given in paragraph 7 of article 2 of Commission Regulation (EC) No 692/2008⁽¹⁰⁾;

“a 220 relevant vehicle” means a vehicle which—

- (a) falls within vehicle category M₁ or N₁;
- (b) is subject to—
 - (i) an EC certificate of conformity issued in accordance with the 1998 or 2009 Regulations, or any equivalent provision of the law of a member State (other than the United Kingdom) or any other EEA state giving effect to Article 6 of the first Framework Directive or article 18 of the second Framework Directive, or
 - (ii) a national certificate of conformity issued in accordance with the 1982 Regulations, the 1984 Regulations, the 1985 Regulations, the 2007 Regulations or the 2009 Regulations or any provision of the law of a member State (other than the United Kingdom) or any other EEA state having equivalent effect,

where that certificate was issued in consequence of the vehicle satisfying the requirements of the Vehicle Emissions Directive or ECE Regulation 83;

- (c) is fitted with, or at the time of it being issued with a certificate of conformity was fitted with, an original equipment catalytic converter; and
- (d) is first used on or after 1st March 2001;

“a 715 relevant vehicle” means a vehicle which—

- (a) falls within vehicle category M₁, M₂, N₁ or N₂ and has a reference mass not exceeding 2840kg;
- (b) is subject to—
 - (i) an EC certificate of conformity issued in accordance with the 1998 or 2009 Regulations, or any equivalent provision of the law of a member State (other than the United Kingdom) or any other EEA state giving effect to Article 6 of the first Framework Directive or article 18 of the second Framework Directive, or
 - (ii) a national certificate of conformity issued in accordance with the 1982 Regulations, the 1984 Regulations, the 2007 Regulations or the 2009 Regulations or any provision of a member State (other than the United Kingdom) or any other EEA state having equivalent effect,

where that certificate was issued in consequence of the vehicle satisfying the requirements of the Vehicle Emissions Regulations; and

⁽⁹⁾ OJ No L171, 29.6.07, p. 1; amended by Commission Regulation (EC) No 692/2008 (OJ No L199, 28.7.08, p.1).

⁽¹⁰⁾ OJ No L199, 28.7.08, p.1.

(c) is fitted with, or at the time of it being issued with a certificate of conformity was fitted with, an original pollution control device;

“replacement catalytic converter” has the meaning given—

(a) in the case of a catalytic converter that has been approved pursuant to the requirements set out in the Vehicle Emissions Directive, by section 2.18 of Annex I to the Vehicle Emissions Directive; or

(b) in the case of a catalytic converter that has been approved pursuant to the requirements set out in ECE Regulation 103, by paragraph 2.2 of ECE Regulation 103;

“replacement pollution control device” has the meaning given in paragraph 13 of article 3 of Regulation (EC) No 715/2007 of the European Parliament and of the Council;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply;

“the UNECE Agreement” means the Agreement of the United Nations Economic Commission for Europe concluded at Geneva on 20th March 1958, as amended⁽¹¹⁾, concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions, to which the United Kingdom is a party by virtue of an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963;

“the Vehicle Emissions Directive” means Council Directive 70/220/EEC⁽¹²⁾; and

“the Vehicle Emissions Regulations” means Regulation (EC) No 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No 692/2008.

(3) Other words or terms used in—

(a) the first or second Framework Directive,

(b) the Vehicle Emissions Directive or Vehicle Emissions Regulations, or

(c) ECE Regulation 83 or 103,

shall, for the purposes of these Regulations, have the same meaning as in, or be construed in accordance with, those Directives or Regulations.

(4) For the purposes of the definitions of “a 220 relevant vehicle” and “a 715 relevant vehicle” in paragraph (2), a “national certificate of conformity” includes—

(a) a Minister’s approval certificate issued in accordance with the 1982 Regulations or the 1984 Regulations;

(b) a Department’s approval certificate issued in accordance with—

(i) the 1985 Regulations (but not for the purposes of the definition of “a 715 relevant vehicle”); or

(ii) the 2007 Regulations; and

(c) a national small series certificate of conformity issued in accordance with the 2009 Regulations (but does not include an individual approval certificate issued in accordance with those Regulations).

(5) For the purposes of these Regulations, the date on which a vehicle is first used is determined in accordance with—

⁽¹¹⁾ Cmnd 2535 and 3562.

⁽¹²⁾ OJ No. L76, 6.4.70, p 1; amending Directives include Commission Directive 98/77/EC (OJ No L286, 23.10.98, p.34) and Commission Directive 2002/80/EC (OJ No L291, 28.10.02, p.20) and it was last amended by Council Directive 2006/96/EC (OJ No L363, 20.12.06, p. 81).

- (a) regulation 3(3) of the Road Vehicles (Construction and Use) Regulations 1986⁽¹³⁾, where the vehicle was first used in Great Britain; or
- (b) regulation 2(4) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999⁽¹⁴⁾, where the vehicle was first used in Northern Ireland.

Application to second-hand catalytic converters and pollution control devices

3. The prohibitions imposed by regulations 4(3), 5(3), 6(2), 7(2) and 8(1) do not apply in respect of—

- (a) a catalytic converter,
- (b) an assembly of catalytic converters,
- (c) a pollution control device, or
- (d) an assembly of pollution control devices,

which is second-hand.

Supply of catalytic converters for 220 relevant vehicles

4.—(1) This regulation applies in relation to a 220 relevant vehicle.

(2) This regulation does not apply in relation to a replacement catalytic converter which is of a type that was approved before 31st October 2002.

(3) No person shall supply for installation on a vehicle a catalytic converter or an assembly of catalytic converters unless it meets the requirements specified in paragraph (4), (5), (6) or (7).

(4) The requirements of this paragraph are that the catalytic converter or assembly of catalytic converters is an original replacement catalytic converter which—

- (a) has been clearly and indelibly marked in accordance with section 5.3.8.2.1 of Annex I to the Vehicle Emissions Directive; and
- (b) is accompanied by the information which is specified in section 5.3.8.2.2 in the format specified in section 5.3.8.2.2.5 of that Annex.

(5) The requirements of this paragraph are that the catalytic converter or assembly of catalytic converters is an original replacement catalytic converter which—

- (a) has been clearly and indelibly marked in accordance with paragraph 4.2.1 of ECE Regulation 103; and
- (b) is accompanied by the information which is specified in paragraph 4.2.2 in the format specified in paragraph 4.2.2.5 of that Regulation.

(6) The requirements of this paragraph are that the catalytic converter or assembly of catalytic converters is a replacement catalytic converter which—

- (a) has been clearly and indelibly marked in accordance with sections 5.1 to 5.3 of Annex XIII to the Vehicle Emissions Directive; and
- (b) is accompanied by the information which is specified in section 7.1 in the format specified in section 7.2 of that Annex.

(7) The requirements of this paragraph are that the catalytic converter or assembly of catalytic converters is a replacement catalytic converter which—

- (a) has been clearly and indelibly marked in accordance with paragraphs 4.6 to 4.8 of ECE Regulation 103; and

⁽¹³⁾ S.I. 1986/1078, to which there are amendments not relevant to these Regulations.

⁽¹⁴⁾ S.R. 1999/454.

- (b) is accompanied by the information referred to in paragraph 11.1 in the format specified in paragraph 11.2 of that Regulation.

Installation of catalytic converters on 220 relevant vehicles

- 5.—(1) This regulation applies in relation to a 220 relevant vehicle.
- (2) This regulation does not apply in relation to a replacement catalytic converter which is of a type that was approved before 31st October 2002.
- (3) No person shall install on a vehicle a catalytic converter or an assembly of catalytic converters unless it meets the requirements specified in paragraph (4), (5), (6), or (7).
- (4) The requirements of this paragraph are that the catalytic converter or assembly of catalytic converters is an original replacement catalytic converter which—
 - (a) has been clearly and indelibly marked in accordance with section 5.3.8.2.1 of Annex I to the Vehicle Emissions Directive; and
 - (b) is being installed on a vehicle for which the original replacement catalytic converter is of a type covered by point 1.10 of the addendum to the EC type-approval certificate (referred to in Appendix 1 to Annex X to the Vehicle Emissions Directive) issued in respect of that type of vehicle.
- (5) The requirements of this paragraph are that the catalytic converter or assembly of catalytic converters is an original replacement catalytic converter which—
 - (a) has been clearly and indelibly marked in accordance with paragraph 4.2.1 of ECE Regulation 103; and
 - (b) is being installed on a vehicle for which the original replacement catalytic converter is of a type approved as a replacement part pursuant to ECE Regulations 83 and 103.
- (6) The requirements of this paragraph are that the catalytic converter or assembly of catalytic converters is a replacement catalytic converter which—
 - (a) has been clearly and indelibly marked in accordance with sections 5.1 to 5.3 of Annex XIII to the Vehicle Emissions Directive; and
 - (b) is being installed on a vehicle of a type covered by point 1.2 of the addendum to the EC type-approval certificate (referred to in Appendix 2 to Annex XIII to the Vehicle Emissions Directive) issued in respect of that type of replacement catalytic converter.
- (7) The requirements of this paragraph are that the catalytic converter or assembly of catalytic converters is a replacement catalytic converter which—
 - (a) has been clearly and indelibly marked in accordance with paragraphs 4.6 to 4.8 of ECE Regulation 103; and
 - (b) is being installed on a vehicle of a type covered by point 6 of the communication document (referred to in Annex I to ECE Regulation 103) issued in respect of that type of replacement catalytic converter.

Supply of pollution control devices for 715 relevant vehicles

- 6.—(1) This regulation applies in relation to a 715 relevant vehicle.
- (2) No person shall supply for installation on a vehicle a pollution control device or an assembly of pollution control devices unless it meets the requirements specified in paragraph (3) or (4).
- (3) The requirements of this paragraph are that the pollution control device or assembly of pollution control devices is an original replacement pollution control device which—

- (a) has been clearly and indelibly marked in accordance with point 2.1 of Annex XIII to [Commission Regulation \(EC\) No 692/2008](#); and
 - (b) is accompanied by the information which is specified in point 2.2 of that Annex in the format specified in that point.
- (4) The requirements of this paragraph are that the pollution control device or assembly of pollution control devices is a replacement pollution control device which—
- (a) has been clearly and indelibly marked in accordance with point 3 of Annex XIII to [Commission Regulation \(EC\) No 692/2008](#); and
 - (b) is accompanied by the information which is specified in point 5.1 of that Annex in the format specified in that point.

Installation of pollution control devices on 715 relevant vehicles

- 7.—(1) This regulation applies in relation to a 715 relevant vehicle.
- (2) No person shall install on a vehicle a pollution control device or an assembly of pollution control devices unless it meets the requirements specified in paragraph (3) or (4).
- (3) The requirements of this paragraph are that the pollution control device or assembly of pollution control devices is an original replacement pollution control device which—
- (a) has been clearly and indelibly marked in accordance with point 2.1 of Annex XIII to [Commission Regulation \(EC\) No 692/2008](#); and
 - (b) is being installed on a vehicle for which the original replacement pollution control device is of a type covered by point 2.3 of the Addendum to the EC type-approval certificate (referred to in Appendix 4 to Annex I to [Commission Regulation \(EC\) No 692/2008](#)) issued in respect of that type of vehicle.
- (4) The requirements of this paragraph are that the pollution control device or assembly of pollution control devices is a replacement pollution control device which—
- (a) has been clearly and indelibly marked in accordance with point 3 of Annex XIII to [Commission Regulation \(EC\) No 692/2008](#); and
 - (b) is being installed on a vehicle of a type covered by point 1.2 of Section II of the EC type-approval certificate (referred to in Appendix 2 to Annex XIII to [Commission Regulation \(EC\) No 692/2008](#)) issued in respect of that type of replacement pollution control device.

Non-type approved converters and devices

- 8.—(1) No person shall supply a non-type approved converter or device unless—
- (a) it is clearly marked or labelled—
 - (i) in the case of a device which is a particulate filter, “ILLEGAL TO SUPPLY FOR VEHICLES APPROVED TO EC REGULATION 715/2007”; and
 - (ii) otherwise, “ILLEGAL TO SUPPLY FOR TYPE-APPROVED VEHICLES FIRST USED ON OR AFTER 1/3/01”; and
 - (b) it is accompanied by the information which is specified—
 - (i) in section 7.1 in the format specified in section 7.2 of Annex XIII to the Vehicle Emissions Directive;
 - (ii) in paragraph 11.1 in the format specified in paragraph 11.2 of ECE Regulation 103; or
 - (iii) point 5.1 of Annex XIII to [Commission Regulation \(EC\) No 692/2008](#) in the format specified in that point.

(2) The requirements of sub-paragraph (1)(a) or (b) shall be treated as satisfied to the extent that marking, labelling or information requirements of a member State (other than the United Kingdom) or any other EEA state, which have equivalent effect to those referred to in those sub-paragraphs, have been complied with.

(3) In this regulation “non-type approved converter or device” means—

- (a) a catalytic converter,
- (b) an assembly of catalytic converters,
- (c) a pollution control device, or
- (d) an assembly of pollution control devices,

which is a replacement part capable of being fitted to a 220 relevant vehicle or a 715 relevant vehicle and which is not an original replacement catalytic converter, a replacement catalytic converter, an original replacement pollution control device or a replacement pollution control device.

Offences and enforcement

9.—(1) It shall be the duty of the enforcement authority to enforce these Regulations.

(2) The Schedule shall have effect with regard to offences, enforcement and other matters.

(3) Except in paragraph 3(2), a reference in the Schedule to an officer is a reference to any person authorised by the enforcement authority to assist the authority in enforcing these Regulations.

(4) Proceedings for an offence under these Regulations shall not be brought except by the enforcement authority.

(5) But nothing in these Regulations shall authorise the enforcement authority to bring proceedings in Scotland for an offence.

Signed by authority of the Secretary of State

14th July 2009

Sadiq Khan
Minister of State
Department for Transport