STATUTORY INSTRUMENTS

2009 No. 2084

ROAD TRAFFIC

The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2009

Made	27th July 2009
Laid before Parliament	31st July 2009
Coming into force	26th August 2009

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 54 and 61 of the Road Traffic Act 1988(1).

In accordance with section 195(2) of that Act he has consulted with such representative organisations as he thinks fit.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2009 and come into force on 26th August 2009.

Commencement Information

Reg. 1 in force at 26.8.2009, see reg. 1 I1

Amendment of Regulations

2. The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982(2) are amended in accordance with regulations 3 to 9.

Commencement Information

12 Reg. 2 in force at 26.8.2009, see reg. 1

^{(1) 1988} c.52; section 61 was amended by the Road Traffic Act 1991 (c.40), section 83 and Schedule 8 and by the Road Traffic (Consequential Provisions) Act 1988 (c.54), Schedule 2, paragraphs 4 and 11. S.I. 1982/1271; relevant amending instruments are S.I. 1987/1508, 1988/1523, 1989/1579, 1991/1021 and 1970, 1992/25,

⁽²⁾ 1342 and 3084, 1993/2200, 1995/1323, 1996/2331 and 3014 and 2003/1866.

General interpretation

- **3.**—(1) Regulation 2 is amended as follows.
- (2) In paragraph (1)—
 - (a) omit the definition of "Directive 70/156/EEC";
 - (b) for the definition of "Directive 88/77/EEC" substitute—

""Directive 2005/55/EC" means Directive 2005/55/EC of the European Parliament and of the Council of 28th September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles(**3**);

"Directive 2006/40/EC" means Directive 2006/40/EC of the European Parliament and of the Council of 17th May 2006 relating to emissions from air-conditioning systems in motor vehicles and amending Council Directive 70/156/EEC(4);

"Directive 2007/46/EC" means Directive 2007/46/EC of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(5);";

(c) after the definition of "the Plating and Testing Regulations" insert—

""air-conditioning system" has the same meaning as in Article 3(3) of Directive 2006/40/EC;";

(d) after the definition of "dual-purpose vehicle" insert-

""ELR test" has the same meaning as in Section 2.1 of Annex I to Directive 2005/55/ EC;";

(e) after the definition of "emissions or noise item" insert-

"ESC test" and "ETC test" have the same meaning as in Section 2.1 of Annex I to Directive 2005/55/EC;

"fluorinated greenhouse gases" has the same meaning as in Article 3(5) of Directive 2006/40/EC;";

- (f) in the definition of "Framework Directive vehicle" for "Directive 70/156/EEC" substitute "Directive 2007/46/EC"; and
- (g) after the definition of "Framework Directive vehicle" insert-

"global warming potential" has the same meaning as in Article 3(8) of Directive 2006/40/EC;".

(3) For paragraph (2A), substitute—

"(2A) Subject to paragraph (2B), any reference in these Regulations to a Community instrument is a reference to that instrument as amended up to and including the date that the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2009 are made.

(2B) Paragraph (2A) does not apply to the reference in item 5 in Schedule 1 in relation to Council Directive 72/245/EEC."

(4) In paragraph (6)—

⁽³⁾ OJ No. L275, 20.10.2005, p.1, as last amended by Commission Directive 2008/74/EC (OJ No. L192, 19.7.2008, p.51).

⁽⁴⁾ OJ No. L161, 14.6.2006, p.12.

⁽⁵⁾ OJ No. L263, 9.10.2007, p.1, as last amended by Commission Regulation (EC) No. 385/2009 (OJ No. L118, 13.5.2009, p.13).

- (a) in sub-paragraph (a), for "Directive 70/156/EEC" substitute "Directive 2007/46/EC"; and
- (b) in sub-paragraph (b), for "the said Annex II" substitute "Directive 2007/46/EC as read with one or more of the separate Community instruments referred to in Part I of Annex IV to that Directive".

Commencement Information

I3 Reg. 3 in force at 26.8.2009, see reg. 1

Interpretation of instruments referred to in Schedule 1

4. In regulation 2A, in paragraph (a), for "Council Directive 70/156/EEC of 6th February 1970" substitute "Annex II to Directive 2007/46/EC".

Commencement Information

I4 Reg. 4 in force at 26.8.2009, see reg. 1

Application of type approval requirements

5.—(1) Regulation 4 is amended as follows.

- (2) In paragraph (1)(b), for paragraph (i) substitute—
 - "(i) on and after 26th August 2009 or any later date specified in column (5) of Part I of Schedule 1;".
- (3) Omit paragraphs (10) and (11).

Commencement Information

I5 Reg. 5 in force at 26.8.2009, see reg. 1

Amendment of Part I of Schedule 1 (type approval requirements)

- **6.**—(1) Part I of Schedule 1 is amended as follows.
- (2) Omit items 2, 2A and 2B.
- (3) In item 2C—
 - (a) in column (3), for "Directive 70/156/EEC" substitute "Directive 2007/46/EC";
 - (b) in column (4), for "item 2I, 2J, 2K, 2L or 2M" substitute "item 2J or 2K"; and
 - (c) in column (5), omit "1.1.2007".
- (4) After item 2C insert—

"2CA	Emissions	Directive	The maximum	1.	Vehicles	31.12.2016
		2006/40/EC.	rate of leakage		other	
			referred to in		than of	
			Article 5(3)		category	
			measured in		N1 class I.	
			accordance with	2.	Vehicles	
			the harmonised		of	

			leakage detection test referred to in Article 7(1)(6).	category N1 class I not fitted with an air- conditioning system designed to contain fluorinated greenhouse gases with a global warming potential higher than 150.	3	
2CB	Emissions	Directive 2006/40/EC.	The requirement with respect to design, construction or equipment in Article 5(5).	Vehicles other than of category N1 class I.	1.1.2017"	

- (5) Omit items 2D, 2E, 2F and 2G.
- (6) In item 2H—
 - (a) in column (4), paragraph 2, for "item 2I, 2J, 2K, 2L or 2M" substitute "item 2J or 2K"; and
 - (b) in column (5), omit "1.1.2007".
- (7) Omit item 2I.
- (8) For items 2J and 2K, substitute—

"2J	Diesel	Directive	Articles 3 and 4	1.	Vehicles		30.9.2009
	emissions	2005/55/EC,	and Annexes I to		which		
			VIII.		comply		
		or			with the		
			For vehicles		requirement	s	
		the ECE	propelled by		in item		
		Regulation	compression-		2C.		
		set out in	ignition engines	2.	Vehicles		
		the second	the limit values		propelled		
		column of	are those		by gas in		
		the table in	specified in row		relation		
		Part II of	B1 of the Tables		to the		
		Annex IV	(Table 1 where		requirement	s	
		to Directive	the ESC test and		of Annex		
		2007/46/EC	the ELR test are		I sections		
		(together with	used and Table 2		6.5.3,		

⁽⁶⁾ Commission Regulation (EC) No. 706/2007 (OJ No. L161, 22.6.2007, p.33) lays down the harmonised leakage detection test for the purpose of Article 5(3).

		the series of amendments, supplement or corrigendum thereto, if any) in relation to the subject in the first column of that table which corresponds with the subject matter of this item.	where the ETC test is used) in section 6.2.1 of Annex I and for vehicles propelled by gas engines, the limit values are those specified in row B1 of Table 2 in section 6.2.1 of Annex I.		6.5.4 and 6.5.5.	
2K	Diesel emissions	Directive 2005/55/EC, or the ECE Regulation set out in the second column of the table in part II of Annex IV to Directive 2007/46/EC (together with the series of amendments, supplement or corrigendum thereto, if any) in relation to the subject in the first column of that table which corresponds with the subject matter of this item.	Articles 3 and 4 and Annexes I to VIII. For vehicles propelled by compression- ignition engines the limit values are those specified in row B2 of the Tables (Table 1 where the ESC test and the ELR test are used and Table 2 where the ETC test is used) in section 6.2.1 of Annex I and for vehicles propelled by gas engines, the limit values are those specified in row B2 of Table 2 in section 6.2.1 of Annex I.	1. 2.	Vehicles which comply with the requirement in item 2C. Vehicles propelled by gas in relation to the requirement of Annex I sections 6.5.3, 6.5.4 and 6.5.5.	

(9) For item 3, substitute—

"3	Diarel	Council	The	Vahiala-		
3	Diesel	Council	The	Vehicles not		
	smoke	Directive	requirements	propelled by		
		72/306/EEC	in the Annexes	compression-		
		of 2nd August	with respect	ignition		
		1972 on the	to the design,	engines."		
		approximation	construction,			
		of the laws of	equipment or			
		the Member	marking of			
		States relating to the measures	vehicles.			
			The			
		to be taken				
		against the emission of	requirements in Annex VI			
		pollutants				
		from diesel	with respect			
		engines for use	to the design,			
			construction,			
		in vehicles(7),	equipment or			
		Commission	marking of vehicles.			
		Directive	venicies.			
		2005/78/				
		EC of 14th				
		November				
		2005				
		implementing				
		Directive				
		2005/55/EC of				
		the European				
		Parliament				
		and of the				
		Council on the				
		approximation				
		of the laws of				
		the Member				
		States relating				
		to the measures				
		to be taken				
		against the				
		emission of				
		gaseous and				
		particulate				
		pollutants from				
		compression-				
		ignition				
		engines				
		for use in				
		vehicles, and				
		the emission				
		of gaseous				
		pollutants				
		from positive-				
I	I	r r r r r r r r r r r r r r r r r r r	I	I.	I	I

(7) OJ No. L190, 20.8.72, p.1, as last amended by Commission Directive 2005/21/EC (OJ No. L61, 8.3.2005, p.25).

ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Annexes I, II, III, IV and VI thereto(8),		
or		
the ECE		
Regulation set out in the		
sec out in the second column		
of the table		
in Part II of		
Annex IV		
to Directive		
2007/46/EC		
(together with		
the series of		
amendments, supplement or		
corrigendum		
thereto, if any)		
in relation to		
the subject		
in the first		
column of that		
table which		
corresponds		
with the		
subject matter of this item.		
oi uns item.		

(10) In items 4 and 4A, in column (3), for "Directive 70/156/EEC" substitute "Directive 2007/46/EC".

- (11) In item 5, in column (3)—
 - (a) after "of vehicles" insert "as amended by Directive 89/491/EEC(9)"; and
 - (b) for "Directive 70/156/EEC" substitute "Directive 2007/46/EC".
- (12) In item 6, in column (3), for "Directive 70/156/EEC" substitute "Directive 2007/46/EC".
- (13) Omit item 9.
- (14) In item 9A, in column (4), for paragraphs 2 and 3 substitute—

⁽⁸⁾ OJ No. L313, 29.11.2005, p.1, as last amended by Commission Directive 2008/74/EC (OJ No. L192, 19.7.2008, p.51).

⁽⁹⁾ OJ No. L238, 15.8.89, p.43.

 	 r		
	2.	Vehicles	
		of	
		category	
		N2 and N3	
		having,	
		in either	
		case, a	
		maximum	
		design	
		speed	
		of 25	
		kilometres	
		per hour	
		or less.	
	3.	Vehicles	
		of	
		category	
		N2 or N3	
		to which	
		a speed	
		limitation	
		device is	
		not fitted.	

(15) In item 12—

- (a) in column (3), for "making" substitute "marking"; and
- (b) in column (5), omit "4.2.2004".
- (16) After item 12 add-

"13	Consumption and emissions	Council Directive 80/1268 of 16th December 1980 on the approximation of the laws of the Member States relating to the carbon dioxide emissions and the fuel consumption of motor vehicles(10),	Points 4 to 7 of Annex I.	Vehicles of category N2 or N3.	
		or			

(10) OJ No. L375, 31.12.80, p.36, as last amended by Directive 2004/3/EC, OJ No. L49, 19.2.2004, p.36.

		the ECE Regulation set out in the second column of the table in Part II of Annex IV to Directive 2007/46/EC (together with the series of amendments, supplement or corrigendum thereto, if any) in relation to the subject in the first column of that table which corresponds with the subject matter of this item.			
14	Fuel tanks	Council Directive 70/221/EEC of 20th March 1970 on the approximation of the laws of the Member States relating to liquid fuel tanks and rear underrun protection for motor vehicles and their trailers(11), or the ECE Regulation set out in the second column of the table in Part II of Annex IV to Directive 2007/46/EC	Design, construction and equipment requirements in sections 5.9 and 5.9.1 in Annex I.	Vehicles which meet the requirements of section 5.9 in Annex I and those of section 5.1.3 of Annex I to Directive 70/220/EEC."	

(together with the series of amendments, supplement or corrigendum thereto, if any) in relation to the subject in the first column of that table which corresponds with the subject matter of this item.		
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Commencement Information I6 Reg. 6 in force at 26.8.2009, see reg. 1

Amendment of Part II of Schedule 1 (requirements referred to in Part I)

7. In Part II of Schedule 1, omit paragraphs 2 and 3.

Commencement Information

I7 Reg. 7 in force at 26.8.2009, see reg. 1

Amendment of Part I of Schedule 2 (form of information document for a goods vehicle)

8.—(1) Part I of Schedule 2 is amended as follows.

- (2) In the form of information document—
 - (a) in entry 6.1, delete "Engine Power/";
 - (b) in entry 6.2, for "(Petrol/Diesel)" substitute "(including from air-conditioning systems), on-board diagnostic systems, diesel emissions";
 - (c) in entry 6.3, for "Sound level and exhaust" substitute "Diesel smoke, smoke emissions, sound level";
 - (d) in entry 6.4, for "Brakes" substitute "Braking"; and
 - (e) after entry 6.5 insert—

"6.6Frontunderrunprotection			Country number number)	and approval extension	
No.	SYSTEM	STANDARD			
1					
2					

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3				
4				
6.7 Tyres, in respect of their road noise emissions			Country symbol and approval number (and extension number)	Item number in Schedule 1
No.	SYSTEM	STANDARD		
1				
2				
3				
4				
6.8 Consumption and emissions			Country symbol and approval number (and extension number)	Item number in Schedule 1
No.	ENGINE (4.2)	STANDARD		
1				
2				
3				
4				
6.9 Fuel tanks			Country symbol and approval number (and extension number)	Item number in Schedule 1
No.	SYSTEM	STANDARD		
1			1	
2	<u>. </u>			
3				
4"				

Commencement Information

I8 Reg. 8 in force at 26.8.2009, see reg. 1

Amendment of Part II of Schedule 2 (form of information document for a vehicle part to accompany application for type approval certificate or Minister's approval certificate)

9. In Part II of Schedule 2, in paragraph i (under the heading "Detailed specification") for "Council Directive 70/156/EEC" to the end substitute "Directive 2007/46/EC of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles".

Commencement Information

I9 Reg. 9 in force at 26.8.2009, see reg. 1

Saving

10.—(1) The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 shall continue to apply in relation to a relevant vehicle or a relevant part as if these Regulations had not been made.

- (2) For the purposes of this regulation—
 - (a) "relevant vehicle" means a vehicle—
 - (i) in relation to which a certificate was issued under section 47 of the Road Traffic Act 1972(12) or under section 55 or 58 of the Road Traffic Act 1988(13) before the date on which these Regulations come into force; and
 - (ii) which is first licensed under the Vehicle Excise and Registration Act 1994(14) on or after that date; and
 - (b) "relevant part" means a vehicle part—
 - (i) in relation to which a certificate was issued under section 47 of the Road Traffic Act 1972 or under section 55 or 58 of the Road Traffic Act 1988 before the date on which these Regulations come into force; and
 - (ii) which is supplied on or after that date.

Commencement Information

I10 Reg. 10 in force at 26.8.2009, see reg. 1

Signed by authority of the Secretary of State

SadiqKhan Minister of State, Department for Transport

27th July 2009

^{(12) 1972} c.20.

^{(13) 1988} c.52.(14) 1994 c.22.

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").

The Regulations-

- (a) amend definitions in consequence of the implementation of Directives 2005/55/EC and 2006/40/EC and the repeal of Council Directive 70/156/EEC of 6th February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers (OJ No. L42, 23.2.70, p.1 (SE 1970 (I), p.96)) (*regulation 3(2)*) and make other consequential amendments (*regulations 3(4)(a), 4, 6(3)(a), (10), (11)(b)* and (12) and 9);
- (b) implement the Directives which amend Directives 70/157/EEC (OJ No. L42, 23.2.70, p.16 (SE 1970 (I), p.111)), 70/220/EEC (OJ No. L76, 6.4.70, p.1 (SE 1970 (I), p.171)), 72/306/EEC (OJ No. L190, 20.8.72, p.1 (SE 1972 (III), p.889)) and 92/24/EEC (OJ No. L129, 14.5.92, p.154) and which amend and apply Directive 2005/55/EC. (*Regulation 3(3)* substitutes new paragraph (2A) into regulation 2 of the 1982 Regulations so that references to EC instruments include those amendments referred to in the following paragraph at sub-paragraphs (f) to (i) for the period from 17th July 2003 to the date of making of these Regulations and only in so far as the provisions affect goods vehicle type approval. *Regulation 3(3)* also inserts new paragraph (2B) which provides that paragraph (2A) shall have no application to item 5 in Schedule 1 to the 1982 Regulations. This will have the effect that the reference to Council Directive 72/245/EEC in item 5 is to be construed as only being amended by Directive 89/491/EEC);
- (c) clarify the meaning of vehicle classes (*regulation3(4)(b)*);
- (d) prescribe, in terms of the Schedule 1 requirements, the type approval requirements as being those which are applicable (to vehicles or parts thereof) on or after the date the Regulations come into force or any later date specified (*regulation 5(2)*);
- (e) omit redundant provisions (*regulation 5(3)*);
- (f) amend Schedule 1 (type approval requirements) to omit requirements the date of cessation of application of which has passed, implement the Directives referred to in the following paragraph at sub-paragraphs (a) to (e), provide for a lesser standard to apply in respect of radio suppression requirements, omit construction and use requirements pertaining to speed limiters and make consequential changes (*regulation 6(2), (3)(b)* and (*c), (4)* to (9), (11)(*a*) and (13) to (16) and 7);
- (g) make consequential amendments to the form of information document for goods vehicles (*regulation 8(2)*); and
- (h) provide for savings in relation to vehicles or parts approved before the date the Regulations come into force (*regulation 10*).

The Directives implemented by these Regulations, and hence in so far they relate to the national type approval of goods vehicles, are—

(a) Council Directive 70/221/EEC of 20th March 1970 on the approximation of the laws of the Member States relating to liquid fuel tanks and rear underrun protection of motor vehicles and their trailers (OJ No. L76, 6.4.70, p.23) as amended by Directives 79/490/ EEC (OJ No. L128, 26.5.79 p.22), 81/333/EEC (OJ No. L131, 18.5.81 p.4), 97/19/EC (OJ No. L125, 16.5.97 p.1), 2000/8/EC (OJ No. L106, 3.5.2000, p.7) and 2006/20/EC (OJ No. L48, 18.2.2006, p.16);

- (b) Council Directive 80/1268/EEC of 16th December 1980 on the approximation of the laws of the Member States relating to the fuel consumption of motor vehicles (OJ No. L375, 31.12.80, p.36) as amended by Directives 89/491/EEC (OJ No. L238, 15.8.89, p.43), 93/116/EC (OJ No. L329, 30.12.93, p.39), 1999/100/EC (OJ No. L334, 28.12.99, p.36) and 2004/3/EC (OJ No. L49, 19.2.2004, p.36);
- (c) Directive 2005/55/EC of the European Parliament and of the Council of 28th September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ No. L275, 20.10.2005, p.1), as amended and implemented by Directive 2005/78/EC (OJ No. L313, 29.11.2005, p.1), as amended and applied by Directive 2006/51/EC (OJ No. L152, 7.6.2006, p.11) and as amended by 2008/74/EC (OJ No. L192, 19.7.2008, p.51);
- (d) Directive 2006/40/EC of the European Parliament and of the Council of 17th May 2006 relating to emissions from air-conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ No. L161, 14.6.2006, p12);
- (e) Commission Directive 2005/78/EC of 14th November 2005 implementing Directive 2005/55/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Annexes I, II, III, IV and VI thereto (OJ No. L313, 29.11.2005, p.1), as amended by Directives 2006/51/EC, 2006/81/EC and 2008/74/EC, to the extent that Annex VI thereto applies for the purpose of the type approval of vehicles with compression ignition engines and of such engines;
- (f) Commission Directive 2007/34/EC of 14th June 2007 amending, for the purposes of its adaptation to technical progress, Council Directive 70/157/EEC concerning the permissible sound level and the exhaust system of motor vehicles (OJ No. L155, 15.6.2007, p.49);
- (g) Commission Directive 2003/76/EC of 11th August 2003 amending Council Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles (OJ No. L206, 15.8.2003, p.29);
- (h) Commission Directive 2005/21/EC of 7th March 2005 adapting to technical progress Council Directive 72/306/EEC on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles (OJ No. L61, 8.3.2005, p.25); and
- (i) Directive 2004/11/EC of the European Parliament and of the Council of 11th February 2004 amending Council Directive 92/24/EEC relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (OJ No. L44, 14.2.2004, p.19).

An impact assessment has not been prepared for this instrument as the impact on the costs of business, charities, or the voluntary sector have already been assessed in the impact assessments covering the instruments implementing the above separate Directives. Copies of these impact assessments can be obtained from the Vehicle Certification Agency of the Department of Transport, 1 Eastgate Office, Bristol BS5 6XX (tel: 01179 524119) or may be accessed via the Department's website at www.dft.gov.uk.

The Explanatory Memorandum for these Regulations is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

This Explanatory Note incorporates the Transposition Note that would otherwise have been provided separately. Copies of the Directives referred to in these Regulations may be obtained from the Stationery Office (www.tso.co.uk) or the EUROPA website (http://eur-lex.europa.eu/en/index.htm).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) (Amendment) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulations revoked by S.I. 2020/818 Sch. 6 para. 43