

EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (TYPE APPROVAL FOR GOODS VEHICLES) (GREAT
BRITAIN) (AMENDMENT) REGULATIONS 2009

2009 No. 2084

1. This explanatory memorandum has been prepared by the Vehicle Certification Agency of the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the Instrument

The instrument amends the Motor Vehicles (Type Approval for Goods Vehicles) Regulations 1982 (“the 1982 Regulations”) in order to implement:

- (a) directives which amend directives that cover existing type approval requirements; and
- (b) directives which cover new type approval requirements.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 The Road Traffic Act 1988 (sections 54 and 61) provides for the establishment of a type approval system. Goods Vehicles (those defined as category N by EC Directive 2007/46/EC) must be type approved according to the Schedule of requirements in the 1982 Regulations (or as an alternative be type approved in accordance with equivalent EC Type Approval Regulations that are not subject to this instrument) before being registered, sold or entered into service for the first time. In order to be so approved, a goods vehicle must comply with the requirements specified in Schedule 1 to the 1982 Regulations. These requirements are those of EC directives or, alternatively, of UNECE Regulations.

4.2 The Directives implemented by the instrument either amend or replace some of the Schedule 1 Directives in order to update the technical requirements, or are added to the Schedule in order to recognise an EC obligation that a Directive’s technical requirements must be applied to goods vehicles.

5. Territorial Extent and Application

This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative procedure and does not amend primary legislation no statement is required.

7. Policy background

- 7.1 The European system of type approval requires the transposition, and application to goods vehicles, of new and amending Directives that lay down type approval requirements for such vehicles.
- 7.2 Newly introduced requirements for Goods Vehicle Type Approval include Directive 2000/8/EC in respect of fuel tank filler caps in order to reduce the incidence of fuel spills; Directive 2004/3/EC which requires that the current arrangement for recording and publicising the CO₂ emissions and fuel consumption of vehicles be extended to light goods vehicles; and Directive 2006/40/EC which introduces limits for leakages of greenhouse gases from air conditioning systems. All of these requirements, and those mentioned in 7.3 below, are included in the alternative EC Type Approval.
- 7.3 Amended requirements for Goods Vehicle Type Approval include Directive 2004/11/EC which extends the requirement for a vehicle to be fitted with a speed limiter device to categories covered by these Regulations, and Directive 2003/76/EC which amends requirements concerning vehicle emissions in order to update these in line with technical progress. Directive 2005/21/EC makes a minor amendment to allow the use of an alternative light source in the meter used for testing of smoke emissions, and Directive 2005/55/EC, taken together with 2005/78/EC, 2006/51/EC and 2008/74/EC, repeals and replaces 88/77/EEC and its various amending Directives on the subject of heavy-duty diesel emissions, in order to consolidate and simplify the existing requirements. It also introduces new measures concerning the operation of on-board diagnostic systems. Directive 2006/81/EC amends the system of type approval to reflect that Bulgaria and Romania are now Member States of the Union. Directive 2007/34/EC makes amendments to procedures for approving vehicles in respect of their noise emissions.

8. Consultation Outcome

Representatives of the Industry participate actively in the development of European legislation, and close contact has been maintained during the decision-making process that led to the adoption of the Directives. Although implementation of these Directives is mandatory, and it is considered that there is no alternative option but to amend the 1982 Regulations, it has become usual to advise the United Kingdom's automotive industry of the necessary changes and ask for their opinions. Following this practice, a consultation letter was circulated by the Vehicle Certification Agency on 23 April 2008 to the Society of Motor Manufacturers and Traders (SMMT) in order to advise of the imminent transposition and to invite any comment. They have not responded.

9. Guidance

The Vehicle Certification Agency provides guidance on legislation through type approval scheme guides, legislation information notices, its LEGSTAT e-mail based update service, and its VISTA vehicle type approval legislation database.

10. Impact

10.1 There should be no new impact on the costs of business, charities, or the voluntary sector. The Directives which impose substantive requirements in relation to exhaust emissions are already requirements in the Road Vehicles (Construction and Use) Regulations 1986 which apply to relevant vehicles used on public roads.

10.2 There should be no impact on the public sector.

10.3 An impact assessment has not been prepared for this instrument. Impacts have already been assessed in the impact assessments covering those of the separate Directives referred to in paragraphs 7.2 and 7.3, which introduced new substantive requirements.

11. Regulating small business

11.1 The legislation applies to small businesses.

11.2 The legislation does not set out to minimise the impact of the requirements on small firms employing up to 20 people as it transposes EC legislation into the parent legislation (The Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982) and no specific provision for small businesses is made in those Regulations or in the EC Directives being transposed. However, as an alternative to those Regulations a vehicle may be approved to The Road Vehicles (Approval) Regulations 2009 (which provides for EC type approval as opposed to Great Britain national type approval) within which provision is made for “small series” (i.e. low volume) manufacturers – which can include small firms employing up to 20 people – to which less onerous type approval requirements are applied.

12. Monitoring & review

This legislation satisfies obligations placed on the United Kingdom by EC legislation to transpose the Directives into UK law. Hence no monitoring and review is required.

13. Contact

Mohammed Farooq of the Vehicle Certification Agency of the Department for Transport, 1 Eastgate Office Centre, Eastgate Road, Bristol BS5 6XX (Tel: 01179 524119; e-mail mohammed.farooq@vca.gov.uk) can answer questions regarding the instrument.