

2009 No. 818

ROAD TRAFFIC

**The Road Vehicles (Approval) (Consequential Amendments)
Regulations 2009**

<i>Made</i> - - - -	<i>30th March 2009</i>
<i>Laid before Parliament</i>	<i>2nd April 2009</i>
<i>Coming into force</i> - -	<i>29th April 2009</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 is a Minister designated(b) for the purposes of section 2(2) of that Act for the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 and come into force on 29th April 2009.

Amendment of Public Passenger Vehicles Act 1981

2.—(1) Section 6 of the Public Passenger Vehicles Act 1981(c) (certificate of initial fitness or equivalent required for use as public service vehicles) is amended as provided in paragraphs (2) to (4).

(2) In subsection (1)—

(a) at the beginning insert “Subject to subsection (1ZA) below,”;

(b) for paragraph (c) substitute—

“(d) one of the following certificates has effect with respect to the vehicle—

(i) an EC certificate of conformity;

(ii) a national small series certificate of conformity;

(iii) an individual approval certificate.”.

(3) After subsection (1) insert—

“(1ZA) In the case of a public service vehicle to which subsection (1ZB) below applies, subsection (1) above has effect as if paragraphs (a) and (b) of that subsection were omitted.

(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1).

(b) S.I. 1972/1811.

(c) 1981 c.14. Section 6(1) was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.53), Schedule 3, paragraph 22 and the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 14 (and has been prospectively amended by the Transport Act 1982, section 10(3)).

(1ZB) This subsection applies to any public service vehicle which, by virtue of regulation 6 of the Approval Regulations, may not—

- (a) be granted a first licence under section 21 of the Vehicle Excise and Registration Act 1994^(a), or
- (b) be registered before the issue of a first licence under that section,

unless one of the certificates mentioned in paragraph (d) of subsection (1) above has effect with respect to the vehicle.”.

(4) At the end insert—

“(3) In this section—

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

“EC certificate of conformity”, “national small series certificate of conformity” and “individual approval certificate” have the meaning given by regulation 3(1) of the Approval Regulations.”.

Amendment of Road Traffic Act 1988

3.—(1) The Road Traffic Act 1988^(c) is amended as provided in paragraphs (2) to (7).

(2) In section 64A (failure to hold EC certificate of conformity for unregistered light passenger vehicle or motor cycle)^(d)—

- (a) in subsection (1)—
 - (i) omit “a light passenger vehicle or”, and
 - (ii) in paragraph (a)(ii), for “a member State” substitute “an EEA State”;
- (b) omit subsection (2);
- (c) omit subsection (6).

(3) The heading to section 64A becomes “Failure to hold EC certificate of conformity for unregistered motor cycle or tractor”.

(4) In section 65A (light passenger vehicles and motor cycles not to be sold without EC certificate of conformity)^(e)—

- (a) in subsection (1)—
 - (i) omit “a light passenger vehicle or”, and
 - (ii) in paragraph (a)(ii), for “a member State” substitute “an EEA State”;
- (b) omit subsection (3);
- (c) in subsection (3A), omit “to which the motorcycle type approval Directive applies”;
- (d) in subsection (4)—
 - (i) in paragraph (a), for “a member State” substitute “an EEA State”, and
 - (ii) in paragraph (b)(i), for “member State” substitute “EEA State”;
- (e) in subsection (5)(e), for “a member State” substitute “an EEA State”;
- (f) omit subsection (8).

(a) 1994 c.22.

(b) S.I. 2009/717.

(c) 1988 c.52.

(d) Section 64A was inserted by S.I. 1992/3107. The section heading and subsection (1) were amended by S.I. 1999/2920 and subsection (1) was also amended by S.I. 2005/390 and the Vehicle Excise and Registration Act 1994 (c.22, “the 1994 Act”), Schedule 3, paragraph 24(3)(a). Subsection (2) was amended by S.I. 1999/2920 and by the 1994 Act Schedule 3, paragraph 24(3)(b).

(e) Section 65A was inserted by S.I. 1992/3107. The section heading and subsection (1) were amended by S.I. 1999/2920 and subsection (1) was also amended by the 1994 Act, Schedule 3, paragraph 24(4)(a). Subsection (3) was amended by S.I. 1999/2920 and by the 1994 Act Schedule 3, paragraph 24(4)(b). Subsection (3A) was inserted by S.I. 1999/2920. Subsection (5) was amended by the Civil Contingencies Act 2004 (c.36), Schedule 2, Part 1, paragraph 9 and Schedule 3.

(5) In consequence of the amendments made by paragraph (4), the heading to section 65A becomes “Motor cycles not to be sold without EC certificate of conformity”.

(6) In section 85(1)(a) (interpretation of Part 2)—

(a) for the definition of “EC certificate of conformity” substitute—

““EC certificate of conformity” means—

(a) in the case of a light passenger vehicle, a certificate of conformity issued by a manufacturer under—

(i) regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992(b),

(ii) regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998(c),

(iii) regulation 15(1) or 20(4) of the Road Vehicles (Approval) Regulations 2009, or

(iv) any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive or Article 18 of the road vehicles type approval Directive;

(b) in the case of a vehicle to which the motorcycle type approval Directive applies, a certificate of conformity—

(i) issued by a manufacturer under regulation 8(1) of the Motor Cycles Etc (EC Type Approval) Regulations 1999(d) (whether before, on or after 9th November 2003), or

(ii) issued by a manufacturer under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval Directive or to Article 7(1) of Council Directive 92/61/EEC of 30th June 1992 relating to the type approval of two- or three-wheeled motor vehicles(e);

(c) in the case of a vehicle to which the tractor type approval Directive applies, a certificate of conformity issued by a manufacturer under—

(i) regulation 6 of the Tractor etc (EC Type-Approval) Regulations 2005(f), or

(ii) any provision of the law of an EEA State other than the United Kingdom giving effect to Article 6(1) of the tractor type approval Directive;

(d) in the case of any other vehicle, a certificate of conformity issued by a manufacturer under—

(i) regulation 15(1) of the Road Vehicles (Approval) Regulations 2009, or

(ii) any provision of the law of a member State other than the United Kingdom giving effect to Article 18 of the road vehicles type approval Directive;”;

(b) in the definition of “light passenger vehicle”—

(i) omit paragraph (b), and

(ii) omit the words from “or a vehicle” to the end;

(c) after the definition of “prescribed testing authority” insert—

““the road vehicles type approval Directive” 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(g),”;

(a) The relevant amendments to section 85 are by S.I. 1992/3107, 1999/2920, 2003/1099 and 2005/2060 and by the Fire and Rescue Services Act 2004 (c.21), Schedule 1, paragraph 69.

(b) S.I. 1992/3107, regulation 4 was revoked by S.I. 1998/2051.

(c) S.I. 1998/2051, regulation 5 was revoked by S.I. 2009/717.

(d) S.I. 1999/2920, to which there are amendments not relevant to this instrument.

(e) OJ No L225, 10.8.1992, p.72, repealed by the motorcycle type approval Directive.

(f) S.I. 2005/390, to which there are amendments not relevant to this instrument.

(g) OJ No L263, 9.10.2007, p.1, amended by Commission Regulation (EC) No 1060/2008 (OJ No L292, 31.10.2008, p.1).

(d) after the definition of “tail lamp” insert—

“the tractor type approval Directive” means Directive 2003/37/EC of the European Parliament and of the Council of 26th 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(a),”.

(7) In section 86(b) (index to Part 2), insert the following entries at the appropriate place—

“Road vehicles type approval Directive	Section 85”;
“Tractor type approval Directive	Section 85”.

Consequential repeals of other legislation

4. Omit the following provisions—

- (a) in the Road Traffic (Consequential Provisions) Act 1988(c), in Schedule 3, paragraph 22;
- (b) in the Vehicle Excise and Registration Act 1994, in Schedule 3, paragraph 24(3)(b) and (4)(b);
- (c) in the Fire and Rescue Services Act 2004(d), in Schedule 1, paragraph 69.

Signed by authority of the Secretary of State for Transport

30th March 2009

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

(a) OJ No L171, 9.7.2005, p.1, amended by Council Directives 2004/66/EC (L168, 1.5.2004, p.35) and 2006/96/EC and by Commission Directives 2005/13/EC (L55, 1.3.2005, p.35) and 2005/67/EC (L273, 19.10.2005, p.17).
(b) The relevant amendments to section 86 are by S.I. 1992/3107.
(c) 1988 c.54.
(d) 2004 c.36.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to primary legislation consequential upon the transposition of Directive 2007/46/EC of the European Parliament and of the Council of 5 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 (OJ No L263, 9.10.2007, p.1, “the new Framework Directive”). They also make minor amendments to the Road Traffic Act 1988 consequent on the extension to the European Economic Area of the application of Directive 2003/37/EC of the European Parliament and of the Council of 26th 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 (the “tractor type approval Directive”).

Regulation 2 amends section 6 of the Public Passenger Vehicles Act 1981 by providing that a vehicle having more than 8 passenger seats may be used as a public service vehicle (PSV) if it conforms to a type approved or is individually approved, in accordance with the new Framework Directive, under the Road Vehicles (Approval) Regulations 2009 (“the Approval Regulations”). This replaces the existing option of approval under the Road Traffic Act 1988. The 1981 Act is further amended to provide that, after the date when approval under the Approval Regulations becomes mandatory for a particular type of PSV, new vehicles of that type must be so approved while other vehicles may be used as PSVs if they are covered by certificates issued under the 1981 Act.

Regulation 3 amends the Road Traffic Act 1988 by removing light passenger vehicles from the scope of sections 64A and 65A and making other minor and consequential changes to those sections and sections 85 and 86 for the purposes of the new Framework and tractor type approval Directives. Section 64A makes it an offence to use on a road a vehicle of a specified type (including light passenger vehicles, motor cycles and tractors) if it is neither registered under the Vehicle Excise and Registration Act 1994 nor type approved in accordance with the provisions of the relevant Directive. Section 65A makes it an offence to sell or offer for sale such a vehicle. The Approval Regulations make provision for enforcement of the type approval requirements of the new Framework Directive by prohibiting the registration of non-compliant vehicles and providing for enhanced powers of entry and inspection of premises to monitor compliance.

A “light passenger vehicle” is a vehicle falling within category M₁ as previously defined in Directive 1970/156/EEC and redefined with minor alterations in the new Framework Directive which replaces it. The tractor type approval Directive applies to agricultural and horticultural tractors.

Regulation 4 makes incidental repeals.

A full Impact Assessment of the effect this and other instruments implementing the new Framework Directive will have on the costs of the business, voluntary and public sectors has been produced and is available from the Transport Technology and Standards Division, Department for Transport, Zone 2/01 Great Minster House, 76 Marsham Street, London SW1P 4DR or may be accessed via the Department’s website at www.dft.gov.uk. A copy has been placed in the library of each House of Parliament.

A Transposition Note is also available and may be accessed as above.

A copy of the new Framework Directive and the tractor type approval Directive may be obtained from the Office of Public Sector Information and both may be viewed in the Official Journal of the European Union via the EU website at <http://europa.eu.int/eur-lex>.

STATUTORY INSTRUMENTS

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£4.00