
STATUTORY INSTRUMENTS

2009 No. 818

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

Amendment of Road Traffic Act 1988

3.—(1) The Road Traffic Act 1988(1) 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)(2)—

(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)(3)—

(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).

(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”.

(1) 1988 c.52.

(2) 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).

(3) 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.

- (6) In section 85(1)(4) (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(5),
- (ii) regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998(6),
- (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(7) (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(8);
- (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(9), 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;

(4) 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.

(5) [S.I. 1992/3107](#), regulation 4 was revoked by [S.I. 1998/2051](#).

(6) [S.I. 1998/2051](#), regulation 5 was revoked by [S.I. 2009/717](#).

(7) [S.I. 1999/2920](#), to which there are amendments not relevant to this instrument.

(8) OJ No L225, 10.8.1992, p.72, repealed by the motorcycle type approval Directive.

(9) [S.I. 2005/390](#), to which there are amendments not relevant to this instrument.

(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⁽¹⁰⁾,”;

(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⁽¹¹⁾,”.

(7) In section 86⁽¹²⁾ (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”.

⁽¹⁰⁾ OJ No L263, 9.10.2007, p.1, amended by [Commission Regulation \(EC\) No 1060/2008](#) (OJ No L292, 31.10.2008, p.1).

⁽¹¹⁾ 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).

⁽¹²⁾ The relevant amendments to section 86 are by [S.I. 1992/3107](#).