
STATUTORY INSTRUMENTS

2018 No. 673

**The Road Vehicles (Defeat Devices, Fuel Economy
and Type-Approval) (Amendment) Regulations 2018**

PART 7

AMENDMENTS TO THE MOTORCYCLE REGULATIONS

19. After regulation 14 (provision of technical information: loss or damage), insert—

“Defeat devices

14A.—(1) For the purposes of articles 19 and 76 of the Motorcycles Regulation, “use of a defeat device” is where a vehicle manufactured by a person—

- (a) is placed on the market or registered in the United Kingdom; and
- (b) that vehicle is fitted with a defeat device.

(2) A separate offence under article 19 of the Motorcycles Regulation is committed in respect of each such vehicle placed on the market or registered.

(3) Where, following examination of vehicles associated with a single vehicle type approval, the enforcement authority is satisfied that two or more of those vehicles—

- (a) are vehicles for which a certificate of conformity has been issued in respect of that approval; and
- (b) are fitted with a defeat device,

each vehicle associated with that single vehicle type approval is to be taken to be similarly fitted with a defeat device unless proved otherwise by the manufacturer.

(4) In paragraph (3), a vehicle is associated with a vehicle type approval if a certificate of conformity relating to that type approval has been issued in respect of that vehicle.

(5) In this regulation—

“placed on the market” means supplying or making available, whether in return for payment or free of charge, to a third party, and includes exposure for sale to a third party;

“registered” means registered pursuant to section 21 of the Vehicle Excise and Registration Act 1994⁽¹⁾.

20. In Schedule 1—

- (a) in paragraph 3(1), for “six” (twice), substitute “three”;
- (b) after paragraph 6(6), insert—

“(7) A notification under sub-paragraph (4) notifying the recipient that the enforcement authority has decided to cancel the penalty must state the enforcement authority’s reasons for the decision under sub-paragraph (3).”;

(c) in paragraph 7(3), for “7(2)”, substitute “6(4)”.