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STATUTORY INSTRUMENTS

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**2019 No. 648**

**The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019**

**PART 2**

Amendment of primary legislation

**Amendment of the Road Traffic Act 1988**

**2.**—(1) The Road Traffic Act 1988(1) is amended as follows.

(2) In section 55 (type approval certificates)(2)—

(a) after subsection (1), insert—

“(1A) Where the Secretary of State is satisfied on application made to the Secretary of State by the manufacturer of a vehicle of a class to which relevant regulations apply—

- (a) that the manufacturer holds in respect of that vehicle a valid relevant European approval, and
- (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,

the Secretary of State may approve that vehicle as a type vehicle.

(1B) An application made by a manufacturer to the Secretary of State before subsection (1A) comes into force, which would have been an application under subsection (1A) if it had been made after subsection (1A) came into force, is to be treated as an application under subsection (1A).

(1C) For the purposes of subsection (1A)—

“relevant European approval” means—

- (a) an EC type-approval certificate, as defined in Article 3(34) of the road vehicles type approval Directive,
- (b) an EU type-approval certificate, as defined in Article 3(32) of the tractor type approval Regulation, or
- (c) an EU type-approval certificate, as defined in Article 3(5) of the motorcycle type approval Regulation,

whether issued before exit day or, in accordance with that legislation as it has effect in EU law, on or after exit day;

“relevant regulations” means—

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(1) 1988 c. 52.

(2) Section 55 was amended by section 17(1)(a) of the Transport Act 1982 (c. 49).

- (a) regulations made under section 54 of this Act, or
  - (b) regulations made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, or of components of vehicles, or in relation to any vehicle type-approval scheme.”;
- (b) in subsection (2), after “relevant type approval requirements”, insert “or (as the case may be) the relevant European type approval requirements”;
- (c) after subsection (2), insert—
- “(2A) If the type approval certificate is issued following approval under subsection (1A), the certificate is to remain in force for a period of two years beginning with the day of issue (unless cancelled or suspended under section 56).”;
- (d) for subsection (4), substitute—
- “(4) Subject to subsection (6) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that—
- (a) one or more, but not all, of the relevant type approval requirements, or
  - (b) one or more, but not all, of the relevant European type approval requirements, are complied with in the case of that vehicle.”;
- (e) after subsection (8), insert—
- “(9) In this section, “European type approval requirements” means requirements prescribed in—
- (a) regulations made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, or of components of vehicles, or in relation to any vehicle type-approval scheme,
  - (b) the tractor type approval Regulation, or
  - (c) the motorcycle type approval Regulation.”.
- (3) In section 57 (certificates of conformity)(3)—
- (a) after subsection (1), insert—
- “(1ZA) If a manufacturer has a type approval certificate issued by the Secretary of State following approval under section 55(1A), a relevant European certificate of conformity issued by the manufacturer in respect of each vehicle that conforms to the type vehicle in question is to be treated as a certificate issued under subsection (1).
- (1ZB) In subsection (1ZA) “relevant European certificate of conformity” means—
- (a) a certificate of conformity issued before exit day by a manufacturer under 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) a certificate of conformity issued before exit day under Article 33 of the tractor type approval Regulation, or
  - (c) a certificate of conformity issued before exit day under Article 38 of the motorcycle type approval Regulation, or
  - (d) a certificate of conformity issued on or after exit day under that law, Article 33 or Article 38 as it has effect at that time.”;

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(3) Section 57 was amended by section 17(1)(a) of the Transport Act 1982 and [S.I. 1992/3107](#).

- (b) in subsection (1A), after “85 of this Act”, insert “and except in the expression “relevant European certificate of conformity” and in the definition of that expression in subsection (1ZB)”.
- (4) In section 58 (Minister’s approval certificates)—
  - (a) in subsection (1)(a), after “relevant type approval requirements”, insert “or (as the case may be) the relevant European type approval requirements”;
  - (b) for subsection (3), substitute—

“(3) Where by virtue of section 57(4) of this Act a certificate of conformity issued in respect of a vehicle relates to—

    - (a) one or more, but not all, of the relevant type approval requirements, or
    - (b) one or more, but not all, of the relevant European type approval requirements,

the Secretary of State may issue in respect of that vehicle a Minister’s approval certificate relating to one or more of the other relevant type approval requirements or (as the case may be) one or more of the other relevant European type approval requirements.”;
  - (c) after subsection (7), insert—

“(8) In this section, “European type approval requirements” has the same meaning as in section 55.”.
- (5) In section 85 (interpretation of Part 2), in subsection (1), in the definition of “EC certificate of conformity”(4)—
  - (a) in paragraph (a)(iv), omit “other than the United Kingdom”;
  - (b) in paragraph (b), after “that Regulation”, insert “or under Article 38 of that Regulation as it has effect in EU law”;
  - (c) in paragraph (c), after “that Regulation”, insert “or under Article 33 of that Regulation as it has effect in EU law”;
  - (d) in paragraph (d)(ii), omit “other than the United Kingdom”.

### **Amendment of the Vehicle Excise and Registration Act 1994**

- 3.—(1) The Vehicle Excise and Registration Act 1994(5) is amended as follows.
- (2) In section 7 (issue of vehicle licences)—
    - (a) after subsection (5A)(6), insert—

“(5B) The Secretary of State may not issue a vehicle licence in respect of a vehicle—

      - (a) completed before exit day, and
      - (b) in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State,

unless the vehicle was in the United Kingdom immediately before exit day or a relevant UK certificate has effect with respect to it.

(5C) The Secretary of State may not issue a vehicle licence in respect of a vehicle completed on or after exit day unless a relevant UK certificate has effect with respect to the vehicle.”;

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(4) The definition of EC certificate of conformity was inserted by [S.I. 1992/3107](#), substituted by [S.I. 2009/818](#) and amended by [S.I. 2018/235](#) and [236](#).

(5) [1994 c. 22](#).

(6) Subsection (5A) was inserted by section 15(1) of the [HGV Road User Levy Act 2013 \(c. 7\)](#).

- (b) in subsection (8)(7), at the appropriate place, insert—
- ““EC certificate of conformity” has the meaning given in section 85 of the Road Traffic Act 1988;”;
- ““EU State” means—
- (a) in relation to the period before exit day, a member State other than the United Kingdom, and
- (b) in relation to the period on or after exit day, a member State;”;
- ““relevant European approval” has the meaning given in section 55(1C) of the Road Traffic Act 1988;”
- ““relevant UK certificate” means—
- (a) a certificate of conformity issued under section 57 of the Road Traffic Act 1988,
- (b) a Minister’s approval certificate issued under section 58 of that Act,
- (c) a certificate issued pursuant to regulation 25(10) or 27(10) of the Road Vehicles (Approval) Regulations 2009 (S.I. 2009/717),
- (d) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,
- (e) a Department’s approval certificate issued under Article 31A(4) or (5) of that Order, or
- (f) an EC certificate of conformity which was issued otherwise than in reliance on a valid relevant European approval granted by or on the authority of an EU State;”.

- (3) After section 22A (vehicle identity checks)(8), insert—

**“Registration of vehicles: certificates of conformity etc.**

**22B.—**(1) Subsections (2) and (3) have effect notwithstanding any other enactment.

(2) No vehicle—

- (a) completed before exit day, and
- (b) in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State,

may be registered under section 21 unless the vehicle was in the United Kingdom immediately before exit day or a relevant UK certificate has effect with respect to it.

(3) No vehicle completed on or after exit day may be registered under section 21 unless a relevant UK certificate has effect with respect to the vehicle.

(4) In this section—

“EC certificate of conformity” has the meaning given in section 85 of the Road Traffic Act 1988;

“EU State” means—

- (a) in relation to the period before exit day, a member State other than the United Kingdom,

(7) Subsection (8) was inserted by section 17(10) and (14) of the Finance Act 1996 (c. 8) and amended by section 15(2) of the HGV Road User Levy Act 2013.

(8) Subsection 22A was inserted by section 33(2) of the Vehicles (Crime) Act 2001 (c. 3) and amended by section 48(3) of the Road Safety Act 2006 (c. 49).

- (b) in relation to the period on or after exit day, a member State;  
“relevant European approval” has the meaning given in section 55(1C) of that Act;  
“relevant UK certificate” means—
- (a) a certificate of conformity issued under section 57 of the Road Traffic Act 1988,
- (b) a Minister’s approval certificate issued under section 58 of that Act,
- (c) a certificate issued pursuant to regulation 25(10) or 27(10) of the Road Vehicles (Approval) Regulations 2009 ([S.I. 2009/717](#)),
- (d) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,
- (e) a Department’s approval certificate issued under Article 31A(4) or (5) of that Order,  
or
- (f) an EC certificate of conformity which was issued otherwise than in reliance on a valid relevant European approval granted by or on the authority of an EU State.”.