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STATUTORY INSTRUMENTS

2019 No. 648

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

ENVIRONMENTAL PROTECTION

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

Made - - - - - *26th March 2019*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 (“the 1972 Act”)(a) and by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (“the 2018 Act”)(b).

The Secretary of State is designated for the purposes of section 2(2) of the 1972 Act in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type-approval scheme(c).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for references, in the amendments made by Part 3 of these Regulations, to Regulation (EU) No 167/2013 of the European Parliament and of the Council on the approval and market surveillance of agricultural and forestry vehicles(d) to be construed as references to a version of that Regulation as it may be amended from time to time.

In accordance with paragraph 1(3) of Schedule 7 to the 2018 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

(a) 1972 c.68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.

(b) 2018 c. 16.

(c) See S.I. 1972/1811.

(d) OJ No L 60, 2.3.2013, p.1.

PART 1

Introduction

Citation and commencement

1. These Regulations—

- (a) may be cited as the Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019; and
- (b) come into force as regards—
 - (i) this regulation and Part 3, 22 days after the day on which these Regulations are made;
 - (ii) the remainder of these Regulations, on exit day.

PART 2

Amendment of primary legislation

Amendment of the Road Traffic Act 1988

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

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

(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—

(a) 1988 c. 52.

(b) 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)(a)—
 - (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.”;
 - (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) Section 57 was amended by section 17(1)(a) of the Transport Act 1982 and S.I. 1992/3107.

- (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”(a)—
 - (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**(b)** is amended as follows.

(2) In section 7 (issue of vehicle licences)—

(a) after subsection (5A)**(c)**, 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.”;

(b) in subsection (8)**(d)**, 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;”;

(a) 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.
 (b) 1994 c. 22.
 (c) Subsection (5A) was inserted by section 15(1) of the HGV Road User Levy Act 2013 (c. 7).
 (d) 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.

““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)(a), 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,
- (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.”.

(a) 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).

PART 3

Amendment of Northern Ireland legislation: European Communities Act 1972

Amendment of the Road Traffic (Northern Ireland) Order 1981

4.—(1) The Road Traffic (Northern Ireland) Order 1981(a) is amended as follows.

(2) In Article 31A (approval of design, construction, etc., of motor vehicles)(b), in paragraph (7)—

(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,

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

(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 Regulation applies, a certificate of conformity issued by a manufacturer under Article 38 of that Regulation;

(c) in the case of a vehicle to which the tractor type approval Regulation applies, a certificate of conformity issued by a manufacturer under Article 33 of that Regulation;

(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) at the appropriate place, 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;”;

““the tractor type approval Regulation” means Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5th February 2013 on the approval and market surveillance of agricultural and forestry vehicles as it may be amended from time to time;”.

(a) S.I. 1981/154 (N.I. 1).

(b) Article 31A was inserted by S.I. 1985/755 (N.I. 6) and amended by S.R.1993/246, S.I. 2006/1254 (N.I. 9) and S.I. 2018/235.

PART 4

Amendment of Northern Ireland legislation: European Union (Withdrawal) Act 2018

Amendment of the Road Traffic (Northern Ireland) Order 1981

5.—(1) The Road Traffic (Northern Ireland) Order 1981 is amended as follows.

(2) In Article 31A (approval of design, construction, etc., of motor vehicles)(a)—

(a) after paragraph (2), insert—

“(2A) Where the Department is satisfied, on an application made to it by the manufacturer of a motor vehicle 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 motor vehicles purporting to conform with that motor 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 Department may approve that motor vehicle as a type vehicle and, if so, shall issue a certificate (a “type approval certificate”) stating that the motor vehicle complies with the relevant European type approval requirements and specifying the permitted variations from the type vehicle for motor vehicles so conforming in all respects and for motor vehicles so conforming with any such variations.

(2B) An application made by a manufacturer to the Department before paragraph (2A) comes into operation, which would have been an application under paragraph (2A) if it had been made after paragraph (2A) came into operation, is to be treated as an application made under paragraph (2A).

(2C) For the purposes of paragraph (2A)—

“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,
- (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—

- (a) regulations made under paragraph (1), 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.

(2D) If the type approval certificate is issued following approval under paragraph (2A), the certificate is to remain in force for a period of two years beginning with the day of issue (unless cancelled or suspended under Article 31B(5)).”;

(b) after paragraph (3), insert—

(a) Article 31A was inserted by S.I. 1985/755 (N.I. 6) and amended by S.R.1993/246, S.I. 2006/1254 (N.I. 9) and S.I. 2018/235.

“(3A) If a manufacturer has a type approval certificate issued by the Department following an approval under paragraph (2A), 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 paragraph (3).

(3B) In paragraph (3A) “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.”;
- (c) in paragraph (4), after “relevant type approval requirements”, insert “or (as the case may be) the relevant European type approval requirements”;
- (d) in paragraph (7)—
- (i) in the definition of “certificate of conformity”, after “EC certificate of conformity”, insert “and except in the expression “relevant European certificate of conformity””;
 - (ii) in the definition of “EC certificate of conformity”(a)—
 - (aa) in paragraph (a)(iv), omit “other than the United Kingdom”;
 - (bb) in paragraph (b), after “that Regulation”, insert “or under Article 38 of that Regulation as it has effect in EU law”;
 - (cc) in paragraph (c), after “that Regulation”, insert “or under Article 33 of that Regulation as it has effect in EU law”;
 - (dd) in paragraph (d)(ii), omit “other than the United Kingdom”;
 - (iii) after the definition of “EC certificate of conformity”, insert—

““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.”;
 - (iv) in the definition of “type vehicle”, after “paragraph (2)”, insert “or (2A)”.

(3) In Article 31B (supplementary provisions relating to type approval and other certificates)(b)—

- (a) in paragraph (1), after “Article 31A(2)”, insert “or (2A)”;
- (b) in paragraph (2)—
 - (i) after “Article 31A(2)”, insert “or (2A)”;
 - (ii) after the first reference to “relevant type approval requirements”, insert “, or (as the case may be) one or more, but not all, of the relevant European type approval requirements,”;
 - (iii) for sub-paragraph (c), substitute—

(a) The definition of EC certificate of conformity was inserted by S.R. 1993/246 and substituted by regulation 4(2)(a) of these Regulations.

(b) Article 31B was inserted by S.I. 1985/755 (N.I. 6).

- “(c) where a certificate of conformity issued in respect of a motor vehicle relates to—
- (i) one or more, but not all, of the relevant type approval requirements, or
 - (ii) one or more, but not all, of the relevant European type approval requirements,
- the Department may issue in respect of that vehicle a Department’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.”.

PART 5

Amendment of subordinate legislation

Amendment of the Road Vehicles (Approval) Regulations 2009

- 6.**—(1) The Road Vehicles (Approval) Regulations 2009(a) are amended as follows.
- (2) In regulation 3 (interpretation: general)(b), after paragraph (3), insert—
- “(4) Any reference in these Regulations (however expressed) to the Framework Directive is to be construed as a reference to that Directive read (insofar as is possible) as though—
- (a) the United Kingdom were a member State;
 - (b) the Secretary of State were the approval authority in the United Kingdom for the purposes of that Directive.”.
- (3) In regulation 25 (grant of national small series type approval)(c)—
- (a) for paragraph (2), substitute—
- “(2) For the purposes of paragraph (1)(a)—
- (a) the alternative requirements required to be laid down under Article 23(1) are the technical or other requirements specified in Schedule 4; and
 - (b) Article 23 of the Framework Directive is to be read as though paragraphs 6 and 7 were omitted.”;
- (b) omit paragraphs (4) and (5);
 - (c) after paragraph (12), insert—
- “(13) During the period beginning with exit day and ending with 31st December 2019, Table 1 and Table 2 in paragraph (12) are to be read as though each of the figures shown in column (2) of those tables were multiplied by a factor of two.”.

Amendment of the Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018

- 7.**—(1) The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018(d) are amended as follows.
- (2) After regulation 10 (withdrawal and suspension of approvals: effect), insert—

“Granting of type approvals

- 10A.**—(1) Where the approval authority is satisfied on application made to it by the manufacturer of a relevant product—

(a) S.I. 2009/717, as amended by S.I. 2011/1043 and 1946, 2013/602 and 2018/235, 236 and 673.
(b) Regulation 3 was amended by S.I. 2011/1043 and 1946 and 2018/673.
(c) Regulation 25 was amended by S.I. 2018/673.
(d) S.I. 2018/764.

- (a) that the manufacturer holds in respect of that relevant product a relevant European approval; and
- (b) that adequate arrangements have been made to secure that other products to conform with that relevant product 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 approval authority may grant EU type-approval for the relevant product and issue the corresponding EU type-approval certificate.

(2) An application made by a manufacturer to the approval authority before paragraph (1) comes into force, which would have been an application under paragraph (1) if it had been made after paragraph (1) came into force, is to be treated as an application made under paragraph (1).

(3) If the type approval certificate is issued following approval under paragraph (1), the certificate is to remain in force—

- (a) for a period of two years beginning with the day of issue (unless ceasing to be valid under Article 30(2) of the NRMM Regulation); or
- (b) (if earlier) until such time as the EU type-approval giving rise to the certificate ceases to be valid.

(4) For the purposes of paragraph (1), “relevant European approval” means a valid EU type-approval issued—

- (a) before exit day other than in the United Kingdom in accordance with the NRMM Regulation; or
- (b) on or after exit day in a member State in accordance with the NRMM Regulation as it has effect in EU law,

including any such approval which is revised or extended.

(5) This regulation applies notwithstanding any other provision in these Regulations or the NRMM Regulation.”.

PART 6

Amendment of retained direct EU legislation

Amendment of Regulation (EU) No 167/2013

8.—(1) Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5th February 2013 on the approval and market surveillance of agricultural and forestry vehicles is amended as follows.

(2) In Article 3 (definitions), after the final paragraph, insert—

“References in this Regulation to Member States are to be read (insofar as is possible) as including the United Kingdom.”.

Amendment of Regulation (EU) No 168/2013

9.—(1) Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15th January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles is amended as follows.

(2) In Article 3 (definitions), after the final paragraph, insert—

“References in this Regulation to Member States are to be read (insofar as is possible) as including the United Kingdom.”.

Amendment of Regulation (EU) 2016/1628

10.—(1) Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14th September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery is amended as follows.

(2) In Article 3 (definitions), after point (75), insert—

“References in this Regulation to Member States are to be read (insofar as is possible) as including the United Kingdom.”.

PART 7

Expiry of Regulations

Expiry and saving

11.—(1) Parts 2 and 4 to 6 of these Regulations expire at the end of a period of two years beginning with exit day.

(2) The expiry provided for in paragraph (1) does not affect the validity of a type-approval certificate issued, following approval under—

- (a) section 55(1A) of the Road Traffic Act 1988;
- (b) Article 31A(2A) of the Road Traffic (Northern Ireland) Order 1981; or
- (c) regulation 10A of the Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018,

before the date on which expiry takes effect.

Signed by authority of the Secretary of State for Transport

26th March 2019

Jesse Norman
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (c) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make temporary amendments to legislation in the field of type approval for road vehicles and non-road mobile machinery and, in particular, provide for an interim arrangement allowing the Secretary of State or Northern Ireland Department to issue type approval certificates to holders of EU type approval granted other than in the United Kingdom and (in respect of road vehicles) for those type approval certificates to be the basis for issue of certificates of conformity used for the purposes of vehicle registration. Part 2 amends primary legislation, Part 4 amends Northern Ireland legislation, Part 5 amends subordinate legislation, and Part 6 amends retained direct EU legislation.

These Regulations also make amendments to Northern Ireland legislation to correct 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). In particular, Part 3 substitutes a new definition of “EC certificate of conformity” into the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) to mirror that applying in Great Britain under section 85 of the Road Traffic Act 1988 (c.52).

Part 7 provides for the interim arrangements for type approval set out in these Regulations to cease to have effect two years after exit day and for the validity of any type-approval issued before that point to be unaffected.

The net costs imposed on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5m in any year and therefore a full impact assessment has not been prepared.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.

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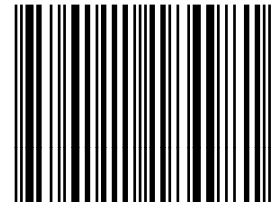
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