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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 Vehicle Excise and Registration Act 1994**

3.—(1) The Vehicle Excise and Registration Act 1994 <sup>M1</sup> is amended as follows.

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

[<sup>F1</sup>(a) after subsection (5A)<sup>F2</sup>, insert—

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

- (a) completed before IP completion day,
- (b) which is to be, or is normally, kept at a place in Great Britain, and
- (c) 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 satisfies one of the conditions in subsection (5C).

(5C) The conditions are—

- (a) the vehicle is qualifying Northern Ireland goods;
- (b) the vehicle was in the United Kingdom immediately before IP completion day;
- (c) a relevant UK certificate has effect with respect to the vehicle.

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

- (a) is completed on or after IP completion day, and
- (b) is to be kept, or is normally kept, at a place in Great Britain,

unless the vehicle satisfies one of the conditions in subsection (5E).

(5E) The conditions are—

- (a) the vehicle is qualifying Northern Ireland goods 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;
- (b) a relevant UK certificate has effect with respect to the vehicle.

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

- (a) completed before IP completion day, and
- (b) which is to be, or is normally, kept at a place in Northern Ireland,

unless the vehicle satisfies one of the conditions in subsection (5G).

(5G) The conditions are—

- (a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of the vehicle;
- (b) the vehicle was in the United Kingdom immediately before IP completion day and a relevant UK certificate issued before that day has effect with respect to it.

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

- (a) which is completed on or after IP completion day, and
- (b) which is, or is to be, kept at a place in Northern Ireland,

unless the vehicle satisfies one of the conditions in subsection (5I).

(5I) The conditions are—

- (a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of the vehicle;
- (b) a relevant Northern Ireland certificate has effect in respect of the vehicle.”.]

(b) in subsection (8) <sup>M2</sup>, 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 [<sup>F3</sup>IP completion day], a member State other than the United Kingdom, and
- (b) in relation to the period on or after [<sup>F3</sup>IP completion day], a member State;”;

[<sup>F4</sup>““qualifying Northern Ireland goods” has the meaning given by regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;”];

““relevant European approval” has the meaning given in section 55(1C) of the Road Traffic Act 1988;”

[<sup>F5</sup>““relevant Northern Ireland certificate” means—

- (a) a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), as they apply in and in relation to Northern Ireland,
- (b) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,
- (c) a Department’s approval certificate issued under Article 31A(4) or (5) of that Order, or
- (d) an EC certificate of conformity issued in reliance on a valid relevant European approval granted by or on the authority of the Secretary of State in relation to Northern Ireland;”];

““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),

- <sup>F6</sup>(ca) a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818),
  - (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) <sup>M3</sup>, insert—

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

(1) Subsections (2) [<sup>F7</sup>to (3C)] have effect notwithstanding any other enactment.

<sup>F8</sup>(2) A vehicle—

- (a) which was completed before IP completion 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 not be registered under section 21 in Great Britain unless one of the conditions in subsection (3) applies to the vehicle.

(3) The conditions are—

- (a) the vehicle is qualifying Northern Ireland goods;
- (b) the vehicle was in the United Kingdom immediately before IP completion day;
- (c) a relevant UK certificate has effect with respect to the vehicle.

(3A) A vehicle which is completed on or after IP completion day may not be registered under section 21 in Great Britain unless—

- (a) it is qualifying Northern Ireland goods 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, or
- (b) a relevant UK certificate has effect with respect to it.

(3B) A vehicle completed before IP completion day may not be registered under section 21 in Northern Ireland unless—

- (a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of it, or
- (b) it was in the United Kingdom immediately before IP completion day and a relevant UK certificate issued before that day has effect with respect to it.

(3C) A vehicle completed on or after IP completion day may not be registered under section 21 in Northern Ireland unless—

- (a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of it, or
- (b) a relevant Northern Ireland certificate has effect with respect to it.]

(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;

[<sup>F9</sup>“qualifying Northern Ireland goods” has the meaning given by regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;]

“relevant European approval” has the meaning given in section 55(1C) of that Act;

[<sup>F10</sup>“relevant Northern Ireland certificate” means—

(a) a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), as they apply in and in relation to Northern Ireland,

(b) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,

(c) a Department’s approval certificate issued under Article 31A(4) or (5) of that Order, or

(d) an EC certificate of conformity issued in reliance on a valid relevant European approval granted by or on the authority of the Secretary of State in relation to Northern Ireland;]

“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),

(ca) [<sup>F11</sup>a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818),]

(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.”.]

#### Textual Amendments

**F1** Reg. 3(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(3)(a)(i)**

**F2** Subsection (5A) was inserted by section 15(1) of the [HGV Road User Levy Act 2013 \(c. 7\)](#).

**F3** Words in reg. 3(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(3)(a)(ii)(aa)**

**F4** Words in reg. 3(2)(b) inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(3)(a)(ii)(bb)**

**F5** Words in reg. 3(2)(b) inserted (31.12.2020 immediately before IP completion day) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1393\)](#), regs. 1(2), **2(3)(a)(ii)(cc)**

- F6** Words in reg. 3(2)(b) inserted (1.9.2020) by The Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(3)(a)** (with Sch. 4 paras. 16, 17)
- F7** Words in reg. 3(3) substituted (31.12.2020 immediately before IP completion day) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1393), regs. 1(2), **2(3)(b)(i)**
- F8** Words in reg. 3(3) substituted (31.12.2020 immediately before IP completion day) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1393), regs. 1(2), **2(3)(b)(ii)**
- F9** Words in reg. 3(3) inserted (31.12.2020 immediately before IP completion day) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1393), regs. 1(2), **2(3)(b)(iii)**
- F10** Words in reg. 3(3) inserted (31.12.2020 immediately before IP completion day) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1393), regs. 1(2), **2(3)(b)(iv)**
- F11** Words in reg. 3(3) inserted (1.9.2020) by The Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 39(3)(b)** (with Sch. 4 paras. 16, 17)

#### Commencement Information

- I1** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(b)(ii)

#### Marginal Citations

- M1** 1994 c. 22.
- M2** 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.
- M3** 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).

**Changes to legislation:**

There are currently no known outstanding effects for the The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019, Section 3.