
STATUTORY INSTRUMENTS

2022 No. 1273

The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022

PART 3

Amendments to secondary legislation

Amendments to the Non-Road Mobile Machinery (Type-approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018

10.—(1) The Non-Road Mobile Machinery (Type-approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018⁽¹⁾ are amended as follows.

(2) In regulation 2(1), after the definition of “enforcement authority”, insert—

““EU NRMM Regulation” means the NRMM Regulation as that Regulation has effect in EU law;”.

(3) After regulation 10, insert—

“Products approved in member States or in Northern Ireland

10A.—(1) Paragraphs (2) to (4) apply notwithstanding anything in these Regulations or the NRMM Regulation.

(2) A manufacturer or an importer may place a qualifying relevant product on the market in Great Britain.

(3) A distributor may make a qualifying relevant product available on the market in Great Britain.

(4) In this regulation—

“qualifying relevant product” means a relevant product—

- (a) in respect of which the manufacturer of the product holds a relevant approval, or
- (b) which is an engine falling within the scope of Article 58(10) or (11) of the EU NRMM Regulation,
- (c) which is an engine falling within the scope of Article 34(7) of the EU NRMM Regulation, provided the approval authority has examined the machine in which the replacement engine is proposed to be installed and concluded that the installation of an engine that complies with the applicable emission limits set out in Tables II-7 and II-8 of Annex II of that Regulation would involve significant technical difficulties, or

⁽¹⁾ S.I. 2018/764, amended by S.I. 2019/648 and 2020/1393.

- (d) which is a transition engine within the meaning of Article 3(32) of the EU NRMM Regulation, or a mobile machine in which a transition engine is installed, but only where that transition engine is placed or made available on the market in Great Britain in the same circumstances as are provided for in paragraphs 5, 6, 7 and 8 of Article 58 of that Regulation;

“relevant approval” means—

- (a) a valid type-approval issued in accordance with the EU NRMM Regulation, provided that the product to which it relates was in the United Kingdom before 1st January 2023,
- (b) a valid type-approval issued in accordance with regulation 10B,
- (c) a valid type-approval issued in relation to a qualifying Northern Ireland good, within the meaning of section 47 of the United Kingdom Internal Market Act 2020(2), in accordance with the EU NRMM Regulation,
- (d) a valid type approval issued on or after IP completion day by the Secretary of State in accordance with the EU NRMM Regulation as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement,

and includes any such approval which is revised or extended.,”;

- (4) After regulation 10A, insert—

“Provisional type-approvals

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

- (a) that the manufacturer holds in respect of that qualifying relevant product a relevant European approval; and
- (b) that adequate arrangements have been made to secure that other products conform with that qualifying 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, where an application has been received before the expiry of the relevant period, grant type-approval for the qualifying relevant product and issue the corresponding type-approval certificate.

(2) The approval authority may approve an application under paragraph (1) where the application was made before 11 p.m. on 31st December 2022.

(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; or
- (b) (if earlier) until such time as the manufacturer is notified by the approval authority in writing that the authority is no longer satisfied that the products purporting to conform with the qualifying relevant product do so conform.

(4) Where the approval authority gives notice to the manufacturer under paragraph (3)(b), that notice must set out the reasons for the authority’s opinion.

(5) For the purposes of paragraph (1)—

- (a) “relevant European approval” means a valid type-approval issued—

- (i) before IP completion day in a member State other than in the United Kingdom in accordance with the NRMM Regulation; or
 - (ii) on or after IP completion day in a member State in accordance with the EU NRMM Regulation,
including any such approval which is revised or extended;
- (b) the “relevant period” means the period beginning with the day on which this regulation comes into force, and ending with 31st December 2027;
“qualifying relevant product”, means a relevant product which is intended to be placed on the market, or which is to be entered into service, in Great Britain.
- (6) This regulation applies notwithstanding any other provision in these Regulations or the NRMM Regulation.”.