

SCHEDULE 2

Regulation 6.

“SCHEDULE 1C

Regulation 4(11)

PART I

1.—(1) An emissions or noise item shall have effect in relation to a type approval end of series vehicle or a late entry into service vehicle as if for the entry or entries in column (6) in Part I of Schedule 1 there were substituted a reference to the first anniversary of the relevant date.

(2) For the purpose of this Schedule—

- (a) “type approval end of series vehicle” and “late entry into service vehicle” have the meanings given in Parts II and III of this Schedule;
- (b) “relevant date”, in relation to an emissions or noise item, means the date which, ignoring this Schedule, is the date specified in column (6) of the item.

PART II

MEANING OF “TYPE APPROVAL END OF SERIES VEHICLE”

Meaning of “type approval end of series vehicle”

2.—(1) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to an item, if it meets the requirements of sub-paragraph (2) in relation to the item.

(2) A vehicle meets the requirements of this sub-paragraph, in relation to the item, if—

- (a) it was manufactured during the two year period ending immediately before the relevant date;
- (b) no EC certificate of conformity has been issued in respect of the vehicle;
- (c) before the relevant date there was in force for the vehicle a certificate of conformity or a sub-DAC; and the DAC or TAC had been issued by virtue of an emissions or noise item that—
 - (i) then applied to the vehicle, but
 - (ii) ignoring this Schedule, would have ceased to apply immediately before that date under regulation 4;
- (d) it was in the territory of a relevant state at some time before the relevant date;
- (e) the number of relevant vehicles which were—
 - (i) manufactured before that vehicle was manufactured, and
 - (ii) still in existence on the relevant date,was less than the specified number or 50 (whichever is the greater).

(3) For the purposes of this paragraph—

- (a) “DAC”, in relation to a sub-DAC, means the Department’s approval certificate issued under Article 31A(4) of the Order by virtue of which the sub-DAC was issued;
- (b) “sub-DAC” means a Department’s approval certificate issued under Article 31A(5) of the Order;

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- (c) “TAC”, in relation to a certificate of conformity, means the type approval certificate by virtue of which the certificate of conformity was issued.

Meaning of “relevant vehicle” for the purposes of this Part

3.—(1) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) applies (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) in respect of which the following requirements are met.

The requirements are that—

- (a) it is a vehicle to which sub-paragraph (3) applies;
- (b) it meets the requirements specified in paragraphs (a) to (d) of paragraph 2(2);
- (c) it was manufactured by the manufacturer of the vehicle in question; and
- (d) it had not been registered under the Vehicle Excise and Registration Act 1994(1) before the relevant date.

(2) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) does not apply (in this paragraph referred to as “the vehicle in question”) and a particular item, a “relevant vehicle” is a vehicle (other than the vehicle in question) in respect of which the following requirements are met.

The requirements are that—

- (a) it is a vehicle to which sub-paragraph (4) applies;
- (b) it meets the requirements specified in paragraphs (b) to (d) of sub-paragraph (1).

(3) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 88/77.

(4) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 83/351 not being a vehicle to which paragraph (3) applies.

Meaning of “specified number” for the purposes of this Part

4.—(1) For the purposes of paragraph 2(2)(e), in relation to a particular vehicle (in this paragraph referred to as “the vehicle in question”) and a particular item to which sub-paragraph (3) applies, “the specified number” is 10% of the total number of vehicles to which those Regulations apply that were both—

- (a) manufactured by the manufacturer of the vehicle in question; and
- (b) registered under the Vehicles (Excise) Act (Northern Ireland) 1972(2), the Vehicles (Excise) Act 1971(3), or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the relevant date.

(2) For the purposes of paragraph 2(2)(e) in relation to a particular vehicle to which sub-paragraph (3) does not apply (in this paragraph referred to as “the vehicle in question”) and a particular item, “the specified number” is 10% of the total number of vehicles to which sub-paragraph (4) applies that were both—

- (a) manufactured by the manufacturer of the vehicle in question; and

(1) 1994 c. 22

(2) 1972 c. 10 (N.I.)

(3) 1994 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31)

(b) registered under the Vehicles (Excise) Act (Northern Ireland) 1972, the Vehicles (Excise) Act 1971 or the Vehicle Excise and Registration Act 1994 during the one year period ending immediately before the relevant date.

(3) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 88/77.

(4) This sub-paragraph applies to a vehicle which is a “vehicle” within the meaning of Community Directive 83/351 not being a vehicle to which paragraph (3) applies.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this Part

5.—(1) For the purposes of paragraph 2(2)(d)—

(a) at any material time before the 5th November 1993, “relevant state” means a member State;

(b) in relation to any time on or after 5th November 1993 but before 1st May 1995, “relevant state” means an EEA State other than Liechtenstein, and

(c) in relation to any time on or after 1st May 1995, “relevant state” means any EEA State.

(2) For the purposes of this paragraph—

“EEA agreement” means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the protocol signed at Brussels on the 17th March 1993; and

“EEA State” means a State which is a contracting party to the EEA Agreement.

PART III

MEANING OF “LATE ENTRY INTO SERVICE VEHICLE” IN PART I

Meaning of “late entry into service vehicle” in paragraph 1

6.—(1) For the purposes of paragraph 1, a vehicle is a late entry into service vehicle, in relation to an item, if—

(a) no EC certificate of conformity has been issued in respect of the vehicle;

(b) it was in the territory of a relevant state at some time before the relevant date;

(c) it was manufactured at least two years before the relevant date;

(d) before the relevant date there was in force for the vehicle a certificate of conformity or a sub-DAC; and the DAC or TAC had been issued by virtue of an emissions or noise item that—

(i) then applied to the vehicle, but

(ii) ignoring this Schedule, would have ceased to apply immediately before that date under regulation 4.

(2) In this paragraph “DAC”, “sub-DAC” and “TAC” have the same meaning as in paragraph 2.

Circumstances in which a vehicle is to be regarded as having been in the territory of a relevant state for the purposes of this part

7. Paragraph 5 in Part II of this Schedule shall have effect for the purposes of paragraph 6(1)(b) as it has effect for the purposes of paragraph 2(2)(d).”

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