

## SCHEDULE 8

### End of Series Exemptions

#### Part II

#### Meaning of “Type Approval End of Series Vehicle” in Part I

##### Meaning of “type approval end of series vehicle” for the purposes of paragraph 1

2.—(1) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to item 8, 9 or 11 in Table II in regulation 74, if it meets the requirements of sub-paragraph (3) in relation to the item.

(2) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle, in relation to item 2 in the Table in regulation 67 or an item numbered 10 or higher (other than item 11) in Table II in regulation 74 if by virtue of Schedule 1C to the Northern Ireland Regulations (which Schedule in certain circumstances defers the date on which certain requirements relating to exhaust emissions, noise and silencers cease to apply) the type approval requirements that applied to the vehicle on the date specified in column 3 of the item are the same as the type approval requirements that applied to the vehicle immediately before the date so specified in that column of that item.

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

- (a) it was manufactured during the relevant period;
- (b) one of the following conditions is satisfied—
  - (i) a certificate of conformity was issued in respect of the vehicle before the date specified in column 3 of the item by virtue of a TAC issued before the date specified in column 4 of the Table in paragraph 6 in relation to the item, or
  - (ii) a sub-DAC was issued in respect of the vehicle before the date specified in column 3 of the item by virtue of a DAC issued before the date specified in column 4 of that Table;
- (c) it was in the territory of a relevant state at some time before the date specified in column 3 of the item; and
- (d) the number of relevant vehicles which were—
  - (i) manufactured before that vehicle was manufactured, and
  - (ii) still in existence on the date specified in column 3 of that item, was less than the specified number, or 50, (whichever is the greater).

(4) For the purposes of sub-paragraph (3)—

- (a) “DAC” means a Department’s approval certificate issued under Article 31A(4)(1) of the 1981 Order;
- (b) “sub-DAC” means a Department’s approval certificate issued under Article 31A(5)(1) of the 1981 Order; and
- (c) “TAC” means a type approval certificate.

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(1) Article 31A was inserted by S.I. 1985/755 (N.I. 6), Article 3

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

3. For the purposes of paragraph 2(3)(d) in relation to a particular vehicle to which the Northern Ireland Regulations 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) which—

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

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

4. For the purposes of paragraph 2(3)(d), in relation to a particular vehicle to which the Northern Ireland Regulations 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 those Regulations apply that were both—

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

### **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. For the purposes of paragraph 2(3)(c)—

- (a) at any material time before 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.

### **Meaning of “relevant period” for the purposes of this Part**

6. For the purposes of this Part, “the relevant period” in relation to an item numbered 8, 9 or 11 in Table II in regulation 74 is the period—

- (a) beginning on the date specified in column 2 of the Table below against that item; and
- (b) ending immediately before the date specified in column 3 of the Table below against that item.

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(2) 1994 c. 22

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TABLE

| (1)<br><i>Item in Table II<br/>in regulation 74</i> | (2)<br><i>Date on which<br/>the relevant<br/>period begins</i> | (3)<br><i>Date<br/>immediately<br/>before which the<br/>relevant period<br/>ends</i> | (4)<br><i>Date before<br/>which type<br/>approval etc.<br/>needs to be<br/>granted</i> | (5)<br><i>Date in column<br/>3 of Table II in<br/>regulation 74</i> |
|---|--|--|--|---|
| 8   | 1st August 1990  | 1st September<br>1992  | 1st July 1992  | 31st December<br>1992   |
| 9   | 1st April 1991   | 1st October 1993   | 1st October 1993   | 1st October 1993  |
| 11  | 1st August 1992  | 1st August 1994  | 1st October 1993   | 1st October 1994  |