

## SCHEDULE 2

Regulation 16

### AMENDMENTS OF ACTS

#### **Certain offences not committed where EC certificate of conformity has effect**

1.—(1) In section 63 of the 1988 Act (obligatory type approval certificates, certificates of conformity and Minister’s approval certificates) after subsection (1) there shall be inserted—

“(1A) For the purposes of subsection (1) above a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.”.

(2) In section 65 of that Act (vehicles and parts not to be sold without required certificate of conformity or Minister’s approval certificate) after subsection (1) there shall be inserted—

“(1A) For the purposes of subsection (1) above a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.”.

#### **Obligation to hold EC certificate of conformity for certain unregistered vehicles**

2. After subsection 64 of the 1988 Act there shall be inserted—

##### **“Failure to hold EC certificate of conformity for unregistered light passenger vehicle**

**64A.**—(1) Subject to subsections (2) to (5) below, if a person uses on a road a light passenger vehicle—

- (a) which has not been registered-
  - (i) under section 19 of the Vehicles (Excise) Act 1971, or
  - (ii) under the law of a member State other than the United Kingdom, and
- (b) in respect of which no EC certificate of conformity has effect,

he is guilty of an offence.

(2) A person shall not be convicted of an offence under this section in respect of the use of a vehicle if he proves—

- (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
- (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

(3) This section does not apply in relation to a vehicle in respect of which a Minister’s approval certificate issued under section 58(1) of this Act or a Department’s approval certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect.

(4) This section does not apply to the use of a vehicle under a trade licence (within the meaning of the Vehicles (Excise) Act 1971) in accordance with regulations made under section 16(2) of that Act.

(5) This section does not apply in relation to a vehicle brought temporarily into Great Britain by a person resident outside the United Kingdom.”.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### Sale of vehicles

3. After section 65 of the 1988 Act there shall be inserted—

**“Light passenger vehicles not to be sold without EC certificate of conformity**

**65A.**—(1) Subject to subsections (3) to (6) below, any person who supplies a light passenger vehicle—

- (a) which has not been registered—
  - (i) under section 19 of the Vehicles (Excise) Act 1971, or
  - (ii) under the law of a member State other than the United Kingdom, and
- (b) in respect of which no EC certificate of conformity has effect,

is guilty of an offence.

(2) In this section references to supply include—

- (a) sell,
- (b) offer to sell or supply, and
- (c) expose for sale.

(3) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle if he proves—

- (a) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or
- (b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

(4) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle if he proves—

- (a) that it was supplied for export from the United Kingdom to a country which is not a member State, or
- (b) that he had reasonable cause to believe—
  - (i) that it would not be used on a road in the United Kingdom or any other member State, or
  - (ii) that it would not be so used until an EC certificate of conformity had been issued in respect of it.

(5) This section does not apply in relation to the supply of a vehicle—

- (a) to the Crown for naval, military or air force purposes,
- (b) for the purposes of the military forces of any country outside the United Kingdom,
- (c) to any public authority in the United Kingdom or any other member State for the purposes of civil defence within the meaning of the Civil Defence Act 1948,
- (d) to a police authority for police purposes, or
- (e) to any public authority in a member State outside the United Kingdom which has responsibilities for maintaining public order.

(6) This section does not apply in relation to a vehicle in respect of which a Minister’s approval certificate issued under section 58(1) of this Act or a Department’s approval

certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect.

(7) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.”.

### **Conditions for grant of excise licences**

4. In section 66 of the 1988 Act (Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions) after subsection (4) there shall be inserted—

“(4A) In relation to any application referred to in subsection (3) above the requirement set out in subsection (4)(b) above shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity has effect with respect to the vehicle.”.

### **Definitions**

5.—(1) In section 57 of the 1988 Act (certificates of conformity) in subsection (1) the words “(in this Part of this Act referred to as a “certificate of conformity”)” shall be omitted and after that subsection there shall be inserted—

“(1A) In this Part of this Act (except in the expression “EC certificate of conformity” and in the definition of that expression in section 85 of this Act) “certificate of conformity” means a certificate issued under subsection (1) above.”.

(2) In section 85 of that Act (interpretation of Part II)—

(a) after the definition of “the Community Recording Equipment Regulation” there shall be inserted—

““EC certificate of conformity” means any certificate of conformity issued by a manufacturer—

(a) under regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(b) under 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,

which is expressed to be a certificate for a complete or completed vehicle”,

(b) after the definition of “licensing authority” there shall be inserted—

““light passenger vehicle” means any motor vehicle which—

(a) has at least four wheels,

(b) is equipped with an internal combustion engine,

(c) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,

(d) has no more than eight seats in addition to the driver’s seat, and

(e) has a maximum design speed exceeding 25 kilometres per hour,

but does not include a quadricycle within the meaning of Article 1(3) of the motorcycle type approval Directive or a vehicle used or intended for use for the purposes of a fire brigade (whether or not one maintained under the Fire Services Act 1947),

“the light passenger vehicle type approval Directive” means Council Directive [70/156/EEC](#) of 6th February 1970 on the approximation of the laws of the member States relating to the type-approval of motor vehicles and their trailers as amended

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

by Council Directive [87/403/EEC](#) of 25th June 1987 and Council Directive [92/53/EEC](#) of 18th June 1992,

“the motorcycle type approval Directive” means Council Directive [92/61/EEC](#) of 30th June 1992 relating to the type-approval of two or three-wheel motor vehicles.”.

- (3) In section 86 of that Act (index to Part II)—
- (a) in the entry relating to the expression “certificate of conformity” for “Section 57(1)” there shall be substituted “Section 57(1A)”, and
  - (b) the following shall be inserted at the appropriate places—

“EC certificate of conformity	Section 85”
“Light passenger vehicle	Section 85”
“Light passenger vehicle type approval Directive	Section 85”
“Motorcycle type approval Directive	Section 85”

**Application to Crown**

6. In section 183 of the 1988 Act (application to Crown) in subsection (2) for “section 65” there shall be substituted “sections 64A, 65 and 65A”.

**Prosecution and punishment of offences**

7.—(1) Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988(1) (prosecution and punishment of offences) shall be amended as follows.

- (2) After the entry relating to section 64 of the 1988 Act there shall be inserted—

“RTA section 64A	Failure to hold EC certificate of conformity for unregistered light passenger vehicle.	Summarily.	Level 3 on the standard scale.”
------------------	--	------------	---------------------------------

- (3) After the entry relating to section 65 of the 1988 Act there shall be inserted—

“RTA section 65A	Light passenger vehicles not to be sold without EC certificate of conformity.	Summarily.	Level 5 on the standard scale.”
------------------	---	------------	---------------------------------

(1) [1988 c. 53.](#)