

1999 No. 2920

ROAD TRAFFIC

**The Motor Cycles Etc. (EC Type Approval) Regulations
1999**

<i>Made</i>	- - -	<i>25th October 1999</i>
<i>Laid before Parliament</i>		<i>2nd November 1999</i>
<i>Coming into force</i>		<i>30th November 1999</i>

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to the regulation of the type, description, construction or equipment of vehicles and of components of vehicles, and in particular any vehicle type approval scheme, in exercise of the powers conferred by that section and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

PART I

PRELIMINARY

Commencement, citation and extent

1.—(1) These Regulations may be cited as the Motor Cycles Etc. (EC Type Approval) Regulations 1999 and shall come into force on 30th November 1999.

(2) These Regulations extend to Northern Ireland.

Revocation

2. The Motor Cycles (EC Type Approval) Regulations 1995^(b) and the Motor Cycles (EC Type Approval) (Amendment) Regulations 1997^(c) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981^(d);

“the 1988 Act” means the Road Traffic Act 1988^(e);

“the 1994 Act” means the Vehicle Excise and Registration Act 1994^(f);

“the 1995 Order” means the Road Traffic (Northern Ireland) Order 1995^(g);

^(a) 1972 c. 68.

^(b) S.I. 1995/1513.

^(c) S.I. 1997/2282.

^(d) S.I. 1981/154 (N.I. 1); Articles 31A to 31E were inserted by S.I. 1985/755 (N.I. 6); Articles 31D and 31E were amended and Articles 31F and 31G inserted by S.R. 1993 No. 246.

^(e) 1988 c. 52.

^(f) 1994 c. 22.

^(g) S.I. 1995/197 (N.I. 3).

“the Framework Directive” means Council Directive 92/61/EEC of 30th June 1992 relating to the type approval of two or three-wheel motor vehicles(a);

“cm³” means cubic centimetres;

“EC certificate of conformity” means any certificate of conformity issued by the holder of an EC type approval certificate–

(a) under regulation 8, or

(b) under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7 of the Framework Directive;

“EC component type approval” means type approval of a separate technical unit or component granted pursuant to the Framework Directive and a separate Directive;

“EC type approval” means EC vehicle type approval or EC component type approval;

“EC type approval certificate” means a type approval certificate issued–

(a) under regulation 7, or

(b) under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 5 of the Framework Directive;

“EC vehicle type approval” means type approval of a vehicle granted pursuant to the Framework Directive;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(b);

“EEA State” means a State which is a contracting Party to the EEA Agreement;

“kg” means kilogram(s);

“km/h” means kilometre(s) per hour;

“kW” means kilowatt(s);

“mm” means millimetre(s);

“moped” means a two or three wheel vehicle fitted with an engine having a cylinder capacity not exceeding 50cm³ if of the internal combustion type and a maximum design speed of not more than 45 km/h;

“motor cycle” means a two-wheel vehicle with or without a sidecar, fitted with an engine having a cylinder capacity of more than 50cm³ if of the internal combustion type and/or having a maximum design speed of more than 45 km/h;

“motor tricycle” means a vehicle with three symmetrically arranged wheels fitted with an engine having a cylinder capacity of more than 50cm³ if of the internal combustion type and/or a maximum design speed of more than 45 km/h;

“quadricycle” means a motor vehicle with four wheels having the following characteristics–

(a) a light quadricycle whose unladen mass is less than 350kg, not including the mass of batteries in the case of an electric vehicle, whose maximum design speed is not more than 45 km/h and whose engine cylinder capacity does not exceed 50cm³ for spark-ignition engines (or whose maximum net power is no more than 4kW for other types of engines); or

(b) a quadricycle other than one falling within sub-paragraph (a), whose unladen mass is not more than 400 kg (550 kg for a vehicle intended for carrying goods), not including the mass of batteries in the case of an electric vehicle, whose maximum net engine power does not exceed 15kW;

“separate Directive” means a Directive specified in Schedule 1.

(2) For the purposes of determining the number of wheels which a vehicle has, two wheels shall be considered as one wheel where–

(a) they are mounted on the same axle, and

(b) the distance between the centres of their areas of contact with the ground is less than 460 mm.

(3) Other expressions used in these Regulations which are also used in the Framework Directive shall have the same meaning as in that Directive and cognate expressions shall be construed accordingly.

(a) O.J. L225, 10.8.92, p. 72.

(b) Cmnd 2073 and 2183.

Vehicles to which these Regulations apply

4.—(1) These Regulations apply to the following vehicles, if they are intended to travel on the road—

- (a) mopeds;
- (b) motor cycles;
- (c) motor tricycles; and
- (d) quadricycles.

This is subject to paragraph (2).

(2) These Regulations do not apply to—

- (a) vehicles with a maximum design speed not exceeding 6 km/h;
- (b) vehicles intended for pedestrian control;
- (c) vehicles intended for use by the physically handicapped;
- (d) vehicles intended for use in competitions, on roads or whatever the terrain;
- (e) tractors and machines, used for agricultural or similar purposes;
- (f) vehicles designed primarily for off-road leisure use having wheels arranged symmetrically with one wheel at the front of the vehicle and two at the rear.

PART II

EC TYPE APPROVAL GRANTED BY THE SECRETARY OF STATE

Applications for grant or amendment of EC type approval

5.—(1) An application for EC type approval may be made to the Secretary of State.

(2) An application under paragraph (1) shall be in writing and accompanied by the documents required by Article 3 of the Framework Directive.

(3) An application by the holder of an EC type approval certificate issued by the Secretary of State for the approval to be amended may be made to the Secretary of State.

(4) An application under paragraph (3) shall be in writing.

Grant or refusal of applications

6.—(1) The Secretary of State may refuse to grant EC vehicle type approval if he is not satisfied that the applicant has made adequate arrangements for complying with regulation 9.

(2) The Secretary of State may refuse to grant EC component type approval if he is not satisfied that the applicant has made adequate arrangements for complying with regulations 9, 11 and 12.

(3) The Secretary of State may grant EC component type approval of a separate technical unit or component subject to such restrictions on its use or conditions as to fitting it as are described in Article 7(3) of the Framework Directive.

(4) Without prejudice to paragraphs (1) to (3) the Secretary of State shall make any decision under this regulation in accordance with—

- (a) the Framework Directive,
- (b) any relevant separate Directives, and
- (c) in particular, the requirement of the Framework Directive that a member State granting EC type approval must ensure that adequate arrangements have been made to ensure that production vehicles, components and separate technical units (as the case may be) conform to the EC approved type.

(5) Where the Secretary of State decides to refuse an application made under regulation 5, he shall give notice of the refusal to the applicant.

(6) Where the Secretary of State decides to impose restrictions on EC component type approval under paragraph (3), he shall, unless the applicant has consented to the restrictions or conditions, give notice of his decision to the applicant.

Issue of certificate

7.—(1) Where the Secretary of State decides to grant or amend an EC type approval he shall issue an EC type approval certificate or (as the case may be) an amended EC type approval certificate.

(2) An EC type approval certificate shall be in the form required by the Framework Directive or the relevant separate Directive (as the case may be).

EC certificates of conformity and approval marks

8.—(1) The holder of an EC vehicle type approval granted by the Secretary of State shall comply with the requirements of the first sentence of Article 7(1) of the Framework Directive (holders of EC vehicle type approval to issue certificates of conformity).

(2) The holder of an EC component type approval granted by the Secretary of State shall comply with Articles 7(2) and (4) and 8 of the Framework Directive (holders of EC component type approval to issue certificates of conformity and affix markings) so far as those provisions are applicable.

Conformity of production

9. The holder of an EC type approval granted by the Secretary of State shall comply with paragraphs 1.1 to 1.1.6 of Annex VI to the Framework Directive (provisions relating to checking the conformity of production).

Duty to co-operate with the Secretary of State

10.—(1) The holder of an EC type approval granted by the Secretary of State shall permit the Secretary of State to carry out his obligations in relation to the approval under—

- (a) Article 4(3) and (5) of the Framework Directive (duty to ensure that provisions relating to checking the conformity of production continue to be observed), or
- (b) any similar provision under a separate Directive.

(2) The holder of an EC type approval granted by the Secretary of State shall co-operate with any person acting on behalf of the Secretary of State in connection with the obligations mentioned in paragraph (1).

Information concerning restrictions on use of components and separate technical units

11. Where the Secretary of State has granted EC component type approval subject to restrictions as permitted by regulation 6(3), the holder of the type approval shall comply with the requirements of Article 7(5) of the Framework Directive (duty to supply detailed information on restrictions and to give fitting instructions).

Information concerning separate technical units of non-original equipment

12. Where the Secretary of State has granted EC component type approval for a separate technical unit of non-original equipment in connection with one or more types of vehicle, the holder of the type approval shall comply with the requirements of Article 7(6) of the Framework Directive (duty to supply information identifying those vehicles).

Withdrawal of EC type approval

13.—(1) The Secretary of State may withdraw an EC vehicle type approval granted by him by giving notice to the holder if—

- (a) two or more vehicles associated with that type approval have been examined on behalf of the Secretary of State, and
- (b) the Secretary of State is satisfied that there has been a failure to conform to the approved type in respect of each of those vehicles.

(2) The Secretary of State may withdraw an EC component type approval granted by him by giving notice to the holder if—

- (a) two or more components or separate technical units associated with that type approval have been examined on behalf of the Secretary of State, and
- (b) the Secretary of State is satisfied that there has been a failure to conform to the approved type in respect of each of those components or separate technical units.

- (3) Before withdrawing an EC type approval under this regulation, the Secretary of State shall give the holder notice in writing—
- (a) stating that he is considering withdrawing the approval, and
 - (b) giving particulars of the grounds on which he is considering withdrawing the approval.
- (4) Where the Secretary of State gives such a notice, the person to whom it is given may make representations to him with respect to the proposed withdrawal during a period of 28 days beginning with the day on which the notice is given.
- (5) The Secretary of State shall not decide to withdraw the approval until that period expires.
- (6) The Secretary of State shall take into account any representations made under paragraph (4) before deciding whether or not to withdraw the approval.
- (7) For the purposes of this regulation—
- (a) a vehicle is associated with an EC vehicle type approval if an EC certificate of conformity has been issued in respect of it and the certificate relates to that type approval,
 - (b) a component or separate technical unit is associated with an EC component type approval if—
 - (i) it has been marked with an approval mark and the marking relates to that type approval, or
 - (ii) an EC certificate of conformity has been issued in respect of it and the certificate relates to that type approval.

Suspension of EC type approval

- 14.**—(1) The Secretary of State may suspend an EC type approval granted by him by giving notice to the holder if, as a result of carrying out the obligations of the United Kingdom under Article 4(3) of the Framework Directive (competent authorities to ensure that certain provisions of the Directive relating to checking the conformity of production continue to be observed) in relation to that type approval, the Secretary of State is satisfied that—
- (a) the holder's arrangements for ensuring that production vehicles, separate technical units or components (as the case may be) conform to the approved type are no longer adequate, or
 - (b) without prejudice to sub-paragraph (a), the holder has failed to comply with the requirements imposed by regulations 8 to 12, so far as those requirements are applicable.
- (2) Before suspending an EC type approval under this regulation, the Secretary of State shall give the holder notice in writing—
- (a) stating that he is considering suspending the approval, and
 - (b) giving particulars of the grounds on which he is considering suspending the approval.
- (3) Where the Secretary of State gives such a notice, the person to whom it is given may make representations to him with respect to the proposed suspension during a period of 28 days beginning with the day on which the notice is given.
- (4) The Secretary of State shall not decide to suspend the approval until that period expires.
- (5) The Secretary of State shall take into account any representations made under paragraph (3) before deciding whether or not to suspend the approval.
- (6) If the holder of an EC type approval which has been suspended under this regulation purports to issue an EC certificate of conformity by virtue of that approval, the certificate shall be invalid.
- (7) The Secretary of State may by notice under paragraph (2) or subsequent notice given to the holder, exempt from paragraph (6) such EC certificates of conformity or classes of EC certificates of conformity as are specified in the notice.
- (8) The suspension of an EC type approval shall not affect the validity of any EC certificate of conformity issued before the approval is suspended.
- (9) A suspension under this regulation shall remain in force until it is revoked by the Secretary of State.
- (10) If, following a request by the holder of an EC type approval which has been suspended under this regulation, the Secretary of State refuses to revoke the suspension of that type approval or to exercise his power under paragraph (7), he shall give notice of his decision to the holder.

Powers of the Secretary of State in cases of serious risk to road safety

15.—(1) Where the Secretary of State considers that vehicles, components or separate technical units of a particular type in respect of which an EC type approval has effect are a serious risk to road safety, he may direct that for a specified period not exceeding six months all EC certificates of conformity issued under that EC type approval (whether before or after the giving of the direction) shall be invalid for the purposes of—

- (a) Part II of the 1988 Act and any regulations made under that Part,
- (b) Part IV of the 1981 Order and Part III of the 1995 Order and any regulations made under those Parts, and
- (c) regulation 16.

(2) Notice of a direction under this regulation shall be given to the holder of the EC type approval.

(3) A direction under this regulation may be revoked by the Secretary of State.

(4) If, following a request by the holder of an EC type approval, the Secretary of State refuses to exercise his powers under paragraph (3) to revoke a direction given by him under this regulation, he shall give notice of his decision to the holder.

PART III

LICENSING OF VEHICLES

Grant of first licence or nil licence

16.—(1) Where a person applies on or after 30th November 1999 for a licence or nil licence under the 1994 Act for a vehicle to which these Regulations apply, and no licence or nil licence has previously been granted under that Act for that vehicle, the Secretary of State shall not grant the licence or nil licence unless—

- (a) it is shown that an EC certificate of conformity has effect with respect to the vehicle, or
- (b) it is shown that a Minister's approval certificate issued under section 58(1) or (4) of the 1988 Act has effect with respect to the vehicle, or
- (c) it is shown that a Department's approval certificate issued under Article 31A(4) or (5) of the 1981 Order has effect with respect to the vehicle, or
- (d) the application is made before 17th June 2003 and the vehicle belongs to the same type as a vehicle used before 17th June 1999.

(2) Where, by virtue of this regulation, the Secretary of State refuses to grant a licence or nil licence for a vehicle, he shall give notice of his decision to the applicant.

(3) For the purposes of paragraph (1), a vehicle belongs to a particular type only if it would be treated for the purposes of the Framework Directive as belonging to that type.

(4) This regulation is subject to regulations 17 and 18.

Vehicles used for the purposes of the Crown, the police and civil defence

17. Regulation 16 shall not apply in relation to—

- (a) an application by a public or local authority in respect of a vehicle intended by that authority to be used by them for the purposes of civil defence (within the meaning of the Civil Defence Act 1948(a)), or

(a) 1948 c. 5; the definition of civil defence is in section 9.

- (b) an application by a public or local authority in respect of a vehicle intended to be used for police purposes, or
- (c) an application in respect of a vehicle to which sections 63, 65 and 65A of the 1988 Act or Articles 31E and 31G of the 1981 Order have become applicable after a period of use on roads during which, by virtue of section 183(2) of the 1988 Act or Article 214 of the 1981 Order (which relate to vehicles in the service of the Crown) those sections or Articles did not apply to it.

Prototypes

18. Regulation 16 shall not apply in relation to a vehicle of a new or improved construction, or a vehicle fitted with new or improved equipment, which—

- (a) has been so constructed, or fitted with such equipment, for the purposes of tests or trials or for use as a prototype, and
- (b) is not intended for general use on roads, and
- (c) remains in the ownership and use of the manufacturer of the vehicle or (as the case may be) the manufacturer of the equipment.

PART IV

OFFENCES

Amendments of Acts and Orders

19. The amendments set out in Schedule 2 shall have effect.

Forgery and deception

20.—(1) A person who, with intent to deceive—

- (a) forges, alters or uses an EC type approval certificate or an EC certificate of conformity, or
- (b) lends an EC type approval certificate or an EC certificate of conformity to another person, or
- (c) allows an EC type approval certificate or an EC certificate of conformity to be used by another person, or
- (d) makes any document so closely resembling an EC type approval certificate or an EC certificate of conformity as to be calculated to deceive, or
- (e) has in his possession any document so closely resembling an EC type approval certificate or an EC certificate of conformity as to be calculated to deceive,

shall be guilty of an offence.

(2) A person who commits an offence under paragraph (1) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine or both.

False statements and documents

21. A person who, in supplying information or producing documents for the purposes of these Regulations—

- (a) makes a statement which he knows to be false in a material particular, or
- (b) recklessly makes a statement which is false in a material particular, or
- (c) produces, provides, sends or otherwise makes use of a document which he knows to be false in a material particular, or
- (d) recklessly produces, provides, sends or otherwise makes use of a document which is false in a material particular,

shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

PART V

MISCELLANEOUS

Duty to give reasons etc.

- 22.** A notice under regulation 6(5) or (6), 13(1) or (2) or 14(1) shall specify—
- (a) the reasons for the decision to which it relates,
 - (b) the right to request a review under these Regulations, and
 - (c) the time limit for making such a request.

Review of decisions

23.—(1) Where the Secretary of State has given a notice under regulation 6(5) or (6), 13(1) or (2) or 14(1) to a person, that person may request the Secretary of State to review the decision to which the notice relates.

(2) Any request by a person for a review of a decision to which a notice relates shall be made in writing within a period of 28 days from the day on which that person received that notice.

(3) On a review under this regulation the Secretary of State may—

- (a) hold an inquiry in connection with the review, and
- (b) appoint an assessor for the purpose of assisting him with the review or any such inquiry.

(4) Section 180 of the 1988 Act shall apply to an inquiry under this regulation as it applies to an inquiry under that Act.

(5) In its application to Northern Ireland by virtue of paragraph (4), section 180 of the 1988 Act shall have effect as if in paragraph (a) of subsection (2) after the word “Wales” there were inserted the words “or Northern Ireland”.

Service of notices

24.—(1) Any document required or authorised by virtue of these Regulations to be given to any person by the Secretary of State shall be given—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address, or
- (b) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) on the secretary or clerk of that body, or
- (c) if the person is a partnership, by serving it in accordance with sub-paragraph (a) on a partner or a person having the control or management of the partnership business.

(2) For the purposes of this regulation and section 7 of the Interpretation Act 1978^(a) (which relates to the service of documents by post) in its application to this regulation, the proper address of any person on whom a document is to be served shall be his last known address, except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body,
- (b) in the case of service on a partnership or a partner or a person having the control of management of a partnership business, it shall be the address of the principal office of the partnership,

and for the purposes of this regulation the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(3) If a person to be served by virtue of these Regulations with any document by the Secretary of State has specified to the Secretary of State an address within the United Kingdom other than his proper address (as determined in pursuance of paragraph (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this regulation and for the purposes of the said section 7 in its application to this regulation.

Provision of testing stations

25. The Secretary of State may provide and maintain—

- (a) stations where examinations of vehicles to which these Regulations apply and of

^(a) 1978 c. 30.

components of such vehicles may be carried out for the purposes of these Regulations, and

(b) the apparatus for carrying out such examinations.

Transitional

26.—(1) An application for EC type approval made under the Motor Cycles (EC Type Approval) Regulations 1995(a) before the coming into force of these Regulations shall have effect as if it had been made under these Regulations.

(2) Nothing in these Regulations shall affect the validity of anything done under the Motor Cycles (EC Type Approval) Regulations 1995 before the coming into force of these Regulations.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Larry Whitty

Parliamentary Under Secretary of State,

25th October 1999

Department of the Environment, Transport and the Regions

SCHEDULE 1

Regulation 3(1)

SEPARATE DIRECTIVES

<i>Item</i>	<i>Principal Directives</i>	<i>Amending Directives</i>	<i>Official Journal Reference</i>	<i>Subject Matter and (where applicable) the Chapter of the Annex</i>
1	93/14/EEC		L121, 15.5.93, p.1	Braking of two or three-wheel motor vehicles
2	93/29/EEC		L188, 29.7.93, p. 1	Identification of controls, tell-tales and indicators for two or three-wheel motor vehicles
3	93/30/EEC		L188, 29.7.93, p. 11	Audible warning devices for two or three-wheel motor vehicles
4	93/31/EEC		L188, 29.7.93, p. 19	Stands for two-wheel motor vehicles
5	93/32/EEC		L188, 29.7.93, p. 28	Passenger hand holds for two-wheel motor vehicles
6	93/33/EEC	1999/24/EC**	L104, 21.4.1999, p. 16 L188, 29.7.93, p. 32	Protective devices intended to prevent the unauthorised use of two or three-wheel motor vehicles
7	93/34/EEC	1999/23/EC*	L104, 21.4.1999, p. 13 L188, 29.7.93, p. 38	Statutory markings for two or three-wheel motor vehicles
8	93/92/EEC	1999/25/EC*	L104, 21.4.1999, p. 19 L311, 14.12.93, p. 1	Installation of lighting and light-signalling devices on two or three-wheel motor vehicles
9	93/93/EEC		L311, 14.12.93, p. 76	Masses and dimensions of two or three-wheel motor vehicles

(a) S.I. 1995/1513.

<i>Item</i>	<i>Principal Directives</i>	<i>Amending Directives</i>	<i>Official Journal Reference</i>	<i>Subject Matter and (where applicable) the Chapter of the Annex</i>
10	93/94/EEC		L311, 14.12.93, p. 83	Space for mounting the rear registration plate of two or three-wheel motor vehicles
11	95/1/EC†	1999/26/EC*	L118, 6.5.1999, p. 32 L52, 8.3.95, p. 1	Maximum design speed, maximum torque and maximum engine power of two or three-wheel motor vehicles
12	97/24/EC†		L226, 18.8.97, p. 1	Certain components and characteristics of two or three-wheel motor vehicles Chapter 1 Tyres Chapter 2 Lighting and light-signalling devices Chapter 3 External projections Chapter 4 Rear view mirrors Chapter 5 Measures to counter pollution Chapter 6 Fuel tanks Chapter 7 Measures to counter tampering Chapter 8 Electromagnetic compatibility Chapter 9 Permissible sound level and exhaust systems Chapter 10 Coupling devices and attachments Chapter 11 Safety belt anchorages and safety belts Chapter 12 Glazing, windscreen wipers and washers and de-icing and de-misting devices

* Note: the Directives marked with a * are Commission Directives, while those marked with a † are Directives of the European Parliament and the Council. The other Directives are Council Directives.

SCHEDULE 2

Regulation 19

AMENDMENTS OF ACTS AND ORDERS

Amendment of the 1988 Act

1. The 1988 Act shall be amended as follows.
- 2.—(1) In the side note to section 64A (failure to hold EC certificate of conformity for unregistered light passenger vehicle), after “light passenger vehicle” insert “or motor cycle”.
- (2) In subsection (1) of that section, after “light passenger vehicle” insert “or a vehicle to which the motorcycle type approval Directive applies”.

(3) In subsection (2) of that section for “the use of a vehicle” substitute “the use of a light passenger vehicle”.

(4) After subsection (2) of that section insert—

“(2A) A person shall not be convicted of an offence under this section in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.”

(5) At the end of that section add—

“(6) In the application of this section to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.”

3.—(1) In the side note to section 65A (light passenger vehicle not to be sold without EC certificate of conformity), after “light passenger vehicles” insert “and motor cycles”.

(2) In subsection (1) of that section, after “light passenger vehicle” insert “or a vehicle to which the motorcycle type approval Directive applies”.

(3) In subsection (3) of that section for “the supply of a vehicle” substitute “the supply of a light passenger vehicle”.

(4) After subsection (3) of that section insert—

“(3A) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.”

(5) At the end of that section add—

“(8) In the application of this section to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.”

4.—(1) Section 85 (interpretation of Part II) shall be amended as follows.

(2) In the definition of “EC certificate of conformity”—

(a) after “means” insert—

“(a) in the case of a light passenger vehicle;”, and

(b) at the end add—

“(b) in the case of a vehicle to which the motorcycle type approval Directive applies, any certificate of conformity issued by a manufacturer under regulation 8(1) of the Motor Cycles Etc. (EC Type Approval) Regulations 1999 or under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval Directive;”.

(3) After that definition insert—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(a);

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

Amendment of the Road Traffic Offenders Act 1988

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

(2) In the entry relating to RTA section 64A, in the second column, after “light passenger vehicle” insert “or motor cycle”.

(3) In the entry relating to RTA section 65A, after “light passenger vehicles” insert “and motor cycles”.

(a) Cmnd 2073 and 2183.

(b) 1988 c. 53.

Amendment of the 1981 Order

6.—(1) Article 31A of the 1981 Order shall be amended as follows.

(2) In paragraph (7), in the definition of “EC certificate of conformity”–

(a) after “means” insert–

“(a) in the case of a light passenger vehicle,”; and

(b) at the end add–

“(b) in the case of a vehicle to which the motorcycle type approval Directive applies, any certificate of conformity issued by a manufacturer under regulation 8(1) of the Motor Cycles Etc. (EC Type Approval) Regulations 1999 or under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval Directive;”.

(3) After that definition insert–

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(a);

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

7.—(1) In the shoulder note of Article 31F of the 1981 Order (failure to hold EC certificate of conformity for unregistered light passenger vehicle) after “light passenger vehicle” insert “or motor cycle”.

(2) In paragraph (1) of that Article, after “light passenger vehicle” insert “or a vehicle to which the motorcycle type approval Directive applies”.

(3) In paragraph (2) of that Article for “the use of a vehicle” substitute “the use of a light passenger vehicle”.

(4) After paragraph (2) of that Article insert–

“(2A) A person shall not be convicted of an offence under this Article in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.”

(5) At the end of that Article add–

“(6) In the application of this Article to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.”

8.—(1) In the shoulder note of Article 31G of the 1981 Order (light passenger vehicles not to be sold without EC certificate of conformity) after “light passenger vehicles” insert “or vehicles to which the motorcycle type approval Directive applies”.

(2) In paragraph (1) of that Article, after “light passenger vehicle” insert “or a vehicle to which the motorcycle type approval Directive applies”.

(3) In paragraph (3) of that Article for “the supply of a vehicle” substitute “the supply of a light passenger vehicle”.

(4) After paragraph (3) of that Article insert–

“(3A) A person shall not be convicted of an offence under this Article in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.”

(5) At the end of that Article add–

“(8) In the application of this Article to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.”

Amendment of the Road Traffic Offenders (Northern Ireland) Order 1996

9.—(1) Part I of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996(b) (prosecution and punishment of offences) shall be amended as follows.

(a) Cmnd 2073 and 2183.

(b) S.I. 1996/1320 (N.I. 10).

(2) In the entry relating to Article 31F of the Order of 1981, in the second column, after “light passenger vehicle” insert “or motor cycle”.

(3) In the entry relating to Article 31G of the Order of 1981, in the second column, after “light passenger vehicles” insert “and motor cycles”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the Motor Cycles (EC Type Approval) Regulations 1995.

The Regulations implement Council Directive 92/61/EEC which provides that Member States must set up a system for granting EC type approval for two or three-wheel motor vehicles (mopeds, motor cycles and motor tricycles) and certain four-wheel vehicles (quadricycles). Decisions about granting EC type approval must be made in accordance with Council Directive 92/61/EEC and the separate Directives listed in Schedule 1. That list is expanded in order to implement a number of Directives adopted since the making of the Motor Cycles (EC Type Approval) Regulations 1995 and the Motor Cycles (EC Type Approval) (Amendment) Regulations 1997. The Directives concerned are as follows.

Directive 97/24/EC of the European Parliament and of the Council makes provision about certain components and characteristics of two or three-wheel motor vehicles, namely tyres, lighting and light-signalling devices, external projections, rear view mirrors, measures to counter pollution, fuel tanks, measures to counter tampering, electromagnetic compatibility, permissible sound level and exhaust systems, coupling devices and attachments, safety belt anchorages and safety belts, glazing, windscreen wipers and washers and de-icing and de-misting devices.

Commission Directive 1999/23/EC amends Council Directive 93/33/EEC relating to protective devices intended to prevent the unauthorised use of two or three-wheel motor vehicles.

Commission Directive 1999/24/EC amends Council Directive 93/32/EEC relating to passenger hand holds for two-wheel motor vehicles.

Commission Directive 1999/25/EC amends Council Directive 93/34/EEC relating to statutory markings for two or three-wheel motor vehicles.

Commission Directive 1999/26/EC amends Council Directive 93/94/EEC relating to the space for mounting the rear registration plate of two or three-wheel motor vehicles.

The Regulations impose a requirement for an EC certificate of conformity, Minister's approval certificate or Department's approval certificate before the first licence or nil licence is granted for a vehicle under the Vehicle Excise and Registration Act 1994. This requirement will apply to all vehicles to which the Regulations apply (subject to specified exceptions) from 17th June 2003. Until that date the requirement does not apply if the vehicle belongs to the same type as a vehicle used before 17th June 1999.

The Regulations make amendments to the Road Traffic Act 1988, the Road Traffic Offenders Act 1988, the Road Traffic (Northern Ireland) Order 1981 and the Road Traffic Offenders (Northern Ireland) Order 1996.

Copies of the EEC and EC Directives referred to in these Regulations can be obtained from the Stationery Office.

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