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STATUTORY INSTRUMENTS

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**2009 No. 2196**

**The Road Vehicles (Construction and Use)  
(Amendment) (No. 3) Regulations 2009**

**Amendment of Schedule 7XA**

7.—(1) Schedule 7XA is amended as follows.

(2) After paragraph 1(4A), insert—

“(4B) Paragraphs (5) and (6) of regulation 61B shall not apply to a type approval end of series vehicle, if it has been first used before 1st January 2018 and is lawfully equipped with an air conditioning system designed to contain high-GWP fluorinated greenhouse gases.”

(3) In paragraph 2(2)—

- (a) after the words “regulation 61A” where they first appear, insert “or paragraph (5) or (6) of regulation 61B”,
- (b) after paragraph (a), insert “or”,
- (c) after paragraph (b), omit paragraph (c) and the word “or” before it,
- (d) after the words “in certain circumstances defer the date on which certain requirements relating to exhaust emissions,”, insert “air conditioning systems,”,
- (e) before the words “are the same as the type approval requirements”, insert “or, in relation to paragraph (5) or (6) of regulation 61B, 1st January 2017,”, and
- (f) at the end, insert “or, in relation to paragraph (5) or (6) of regulation 61B, immediately before 1st January 2017”.

(4) In paragraph 2(2A)—

- (a) after the words “regulation 61A,”, insert “or paragraph (5) or (6) of regulation 61B”; and
- (b) at the end, insert “, or Article 27 of Community Directive 2007/46”.

(5) After paragraph 2(2A), insert—

“(2B) For the purposes of paragraph 1, a vehicle is a type approval end of series vehicle in relation to—

- (a) an item numbered 2 or higher in the Table in regulation 55A,
- (b) an item numbered 10 or higher (other than item 11) in Table II in regulation 61,
- (c) any provision of any Community Directive specified in item 1 or 2 in the Table in regulation 61A, or
- (d) paragraph (5) or (6) of regulation 61B,

if a direction given under regulation 12 or 13 of the EC Whole Vehicle Type Approval Regulations or regulation 31 or 32 of the Vehicle Approval Regulations is in force in relation to the vehicle.”

(6) In paragraph 7(2)(a), after the words “EC Whole Vehicle Type Approval”, insert “nor the Vehicle Approval Regulations”.