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STATUTORY INSTRUMENTS

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**2009 No. 717**

**The Road Vehicles (Approval) Regulations 2009**

**PART 2**

**CONDITIONS FOR LICENSING OR ENTRY INTO SERVICE OF VEHICLES**

*Conditions relating to motor vehicles*

**Grant of first licence or registration of motor vehicles**

6.—(1) Where a person makes an application under section 21 of the 1994 Act for—

- (a) the issue of a first vehicle licence for a motor vehicle which is a relevant vehicle, or
- (b) the issue of a first nil licence for a motor vehicle which is a relevant vehicle,

the licence must not be granted unless a relevant condition is satisfied or the temporary exemption applies.

(2) Where a person makes an application under section 21 of the 1994 Act for the registration, before the issue of a first licence, of a motor vehicle which is a relevant vehicle the vehicle must not be registered unless a relevant condition is satisfied, or the temporary exemption applies.

(3) A “relevant condition” is—

- (a) one of the principal conditions, or
- (b) where the alternative conditions may be satisfied, any of those conditions.

(4) The principal conditions are that—

- (a) an appropriate EC certificate of conformity has effect with respect to the vehicle;
- (b) an appropriate national small series certificate of conformity has effect with respect to the vehicle;
- (c) an appropriate individual approval certificate has effect with respect to the vehicle.

(5) Part 2 of Schedule 3—

- (a) specifies when the alternative conditions may be satisfied,
- (b) prescribes those conditions, and
- (c) specifies where the temporary exemption applies.

(6) Subject to paragraph (7), for the purposes of this Part a certificate of conformity of any kind has effect if—

- (a) it is issued in respect of—
  - (i) a type approval which, at the appropriate date, is valid for the vehicle in question, or
  - (ii) an end-of-series vehicle, and

- (b) it is not issued in contravention of Article 18(6) of the Framework Directive or regulation 25(10) (limitation on putting into service of vehicles covered by small series type approvals).
- (7) An EC certificate of conformity also has effect for the purposes of this Part if—
- (a) the vehicle to which it relates was first put into service in a member State other than the United Kingdom,
  - (b) it was issued in respect of an EC type approval which was valid on the date on which the vehicle was first put into service, and
  - (c) it shows that the vehicle was constructed for use in left-hand traffic and that it uses imperial units of measurement for the speedometer.
- (8) In this regulation—
- “appropriate date” means, as the case may be, the date of—
- (a) the application under section 21 of the 1994 Act for the registration or the issue of a first licence for a vehicle,
  - (b) notification under regulation 7(1) or,
  - (c) supply of a small trailer for use on a road;
- “EC certificate of conformity” includes, as well as any certificate of conformity within the meaning of Article 3(36) of the Framework Directive—
- (a) a certificate of conformity issued in accordance with regulation 5 of the 1998 Regulations, and
  - (b) a certificate of conformity issued under the law of a member State other than the United Kingdom in accordance with 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<sup>(1)</sup>;
- “end-of-series vehicle” means a vehicle which is an “end-of-series vehicle” for the purposes of regulation 31 or 32.

#### *Conditions relating to trailers*

#### **Consent to supply of large trailers for use on a road**

- 7.—(1) A final supplier who intends to supply for use on a road a large trailer which is a relevant vehicle must first—
- (a) notify the approval authority of that intention,
  - (b) furnish the approval authority with pertinent information about the trailer, and
  - (c) obtain the consent of the approval authority to the supply of the trailer for such use.
- (2) Paragraph (1) does not apply if the trailer has previously been supplied by a final supplier for use on a road.
- (3) The approval authority must give consent if—
- (a) the principal conditions are satisfied, or
  - (b) when the alternative conditions apply, those conditions are satisfied.
- (4) The principal conditions are that—

(1) OJNo. L42, 23.2.1970, p.1, repealed by the Framework Directive. The relevant amendments are by Council Directive [92/53/EEC](#) of 18 June 1992 (OJ No L225, 10.8.92, p.1) and Commission Directive [98/14/EC](#) of 6 February 1998 (OJ No L91, 25.3.1998, p.1).

- (a) an appropriate approval or certificate of conformity has effect with respect to the trailer,
  - (b) where the application for consent is in consequence of the importation of the trailer from a place outside the United Kingdom, any value added tax or customs duty charged on or arising from its removal into the United Kingdom has been paid or remitted (or the approval authority is satisfied that it will be paid or remitted), and
  - (c) there is otherwise no lawful reason (whether or not arising from a breach of these Regulations) for refusing to give consent.
- (5) Part 3 of Schedule 3—
- (a) states when the alternative conditions apply, and
  - (b) prescribes those conditions.
- (6) Before giving consent the approval authority may—
- (a) undertake an inspection of the trailer (or arrange for such an inspection to be undertaken), and
  - (b) carry out such tests on the trailer as the authority thinks fit (or arrange for such tests to be carried out).
- (7) Where the Secretary of State refuses to give consent under this regulation, the refusal must be accompanied by notice of that fact.
- (8) In this regulation, “appropriate approval or certificate of conformity” means—
- (a) an EC certificate of conformity,
  - (b) a national small series certificate of conformity, or
  - (c) an individual approval certificate,
- which is appropriate to the vehicle.

### **Records of large trailers**

8. The approval authority must keep a record of—
- (a) every consent given under regulation 7(3), and
  - (b) the pertinent information about the large trailer in respect of which that consent is given,
- for a period of not less than 10 years from the date of the consent.

### **Records of small trailers**

- 9.—(1) A final supplier who—
- (a) has supplied for use on a road a small trailer which is a relevant vehicle, or
  - (b) puts such a trailer into service on a road for personal use (as the end-user),
- must, as soon as reasonably possible after making that supply or putting the trailer into service, make a record of pertinent information about the trailer.
- (2) Paragraph (1) does not apply if—
- (a) the trailer has previously been used on a road, or
  - (b) it was manufactured more than 10 years before the date when it is first used on a road.
- (3) The final supplier must keep, or ensure that there is kept, in a secure manner every record of pertinent information made under paragraph (1) for a period of not less than 10 years from the date on which that supplier supplies the trailer for use, or puts it into service, on a road.

**Meaning of “pertinent information”**

- 10.**—(1) In this Part, “pertinent information” means—
- (a) the principal information, or
  - (b) when the alternative conditions apply, the alternative information.
- (2) The principal information is—
- (a) the name and address and (if any) the company registration number of the manufacturer,
  - (b) the manufacturer’s designation (make and model) of the trailer,
  - (c) the month and year when manufacture of the vehicle was completed,
  - (d) the vehicle identification (VIN) number,
  - (e) the number of—
    - (i) the type approval, or
    - (ii) the individual approval certificate,
  - (f) in the case of a large trailer, the date of any certificate of conformity issued in respect of the vehicle,
  - (g) in the case of a small trailer—
    - (i) , a copy of any certificate of conformity issued in respect of the vehicle,
    - (ii) the date of supply, and
    - (iii) the name and address of the purchaser.
- (3) For the purposes of this regulation—
- (a) “the alternative conditions” are the conditions applied by virtue of Part 3 of Schedule 3, and
  - (b) the alternative information is specified in Part 3 of Schedule 3.

*Offences for breach of conditions***Trailers: offences**

- 11.**—(1) A person commits an offence if—
- (a) he supplies a recordable trailer,
  - (b) the trailer is supplied for use on a road, and
  - (c) none of the conditions specified in paragraph (2) is met.
- (2) The specified conditions are that—
- (a) an EC certificate of conformity has effect with respect to the trailer;
  - (b) a national small series certificate of conformity has effect with respect to the trailer;
  - (c) an individual approval certificate has effect with respect to the trailer.
- (3) A person commits an offence if he—
- (a) supplies, for use on a road, a recordable trailer which is a large trailer,
  - (b) uses such a trailer on a road, or
  - (c) causes or permits such a trailer to be used on a road,
- at a time when there is no relevant consent in effect with respect to that trailer.
- (4) A person commits an offence if he contravenes paragraph (1) or (3) of regulation 9.
  - (5) A person guilty of an offence under paragraph (1) is liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale if the offence is committed in respect of a large trailer, or
  - (b) to a fine not exceeding level 4 on the standard scale if the offence is committed in respect of a small trailer.
- (6) A person guilty of an offence under paragraph (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) A person guilty of an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) It is a defence for a person charged with an offence under paragraph (3)(b) or (c) to show that—
- (a) the trailer is an incomplete vehicle, is not carrying goods and is being towed to a place where a further stage of manufacture is to take place;
  - (b) the trailer is to be exported and is being towed to a place from where it is to be taken out of the United Kingdom;
  - (c) the trailer is being used solely for the purpose of—
    - (i) submitting it (by previous arrangement at a specified time) for a statutory inspection or test, or
    - (ii) bringing it away from any such inspection or test; or
  - (d) the trailer is operated from a base in a country outside the United Kingdom and either—
    - (i) the trailer is registered in that country, or
    - (ii) it is shown that the trailer has its principal base there.
- (9) It is a defence for a person charged with an offence under paragraph (1) or (3)(a) to show that, at the time when the trailer was supplied, there was reasonable cause to believe that the trailer would not be used on a road otherwise than in circumstances specified in paragraph (8)(a), (b), or (c).
- (10) For the purposes of this regulation, a trailer is a recordable trailer if—
- (a) it is a relevant vehicle, and
  - (b) by virtue of Part 1 of Schedule 3, at the date when it is first supplied by a final supplier for use on a road (or put into service on a road for the final supplier’s own use), regulation 7 or 9 has effect with respect to it.
- (11) In this regulation—
- “relevant consent” means consent given under regulation 7(3);
- “statutory inspection or test” means an inspection or test carried out under or pursuant to—
- (a) the Framework Directive,
  - (b) these Regulations,
  - (c) the Goods Vehicles (Plating and Testing) Regulations 1988(2), or
  - (d) the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003(3).

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(2) S.I. 1988/1478.

(3) S.R. (N.I.) 2003 No. 304, amended by S.R. (N.I.) 2004 No 47 and 2006 No 495.