
STATUTORY INSTRUMENTS

2009 No. 717

The Road Vehicles (Approval) Regulations 2009

PART 4

NATIONAL SMALL SERIES TYPE APPROVAL AND INDIVIDUAL APPROVAL

National small series type approvals

Applications for national small series type approval

24.—(1) A vehicle manufacturer requiring—

- (a) a national small series type approval in respect of a relevant vehicle, or
- (b) an amendment to a national small series type approval which the manufacturer holds,

must apply to the approval authority.

(2) An application under paragraph (1) may follow—

- (a) the step-by-step type approval procedure,
- (b) the single-step type approval procedure, or
- (c) the mixed type approval procedure,

and, at the request of the applicant, the approval authority may, if it is thought appropriate, proceed by means of multi-stage type approval.

(3) An application under paragraph (1) must be in a form specified by the approval authority which—

- (a) has been completed so as to provide all the information reasonably required by the authority in relation to the class of vehicle in respect of which the application is made, and
- (b) is accompanied by—
 - (i) all the documents mentioned in the form as being required for the purposes of the application, and
 - (ii) the prescribed fee (if any).

(4) In this regulation, “mixed type approval”, “multi-stage type approval”, single-step type approval” and “step-by-step type approval” have the meanings given in Article 3 of the Framework Directive but as if, in that article, the words “type approval certificates under Article 23” were in each case substituted for “EC type-approval certificates”.

Grant of national small series type approval

25.—(1) The approval authority must—

- (a) make the decision whether or not to grant a national small series type approval or an amendment to such an approval in accordance with Article 23 of the Framework Directive (national type approval of small series),

- (b) not grant the approval without first being satisfied that adequate arrangements have been made to ensure that production vehicles conform to the approved type, and
 - (c) give notice of the decision to the applicant manufacturer.
- (2) For the purposes of paragraph (1)(a), the alternative requirements required to be laid down under Article 23(1) are the technical or other requirements specified in Schedule 4.
- (3) Where the approval authority decides to grant or amend a national small series type approval the authority must issue a type approval certificate which complies with regulation 28(1).
- (4) If the holder of a national small series type approval so requests, the approval authority must send, by registered or electronic mail, a copy of the type approval certificate and any attachments relating to it to an authority in a member State other than the United Kingdom corresponding to the approval authority.
- (5) Upon receiving a request from a person wishing to sell, register or put into service in a member State other than the United Kingdom a vehicle manufactured in conformity with a national small series type approval, the approval authority must supply—
- (a) to that person, or
 - (b) to the authority in that member State corresponding to the approval authority,
- a copy of the type approval certificate and any attachments relating to it.
- (6) The approval authority may refuse to grant a national small series type approval if the authority is not satisfied that the applicant has made adequate arrangements to comply with the provisions specified in paragraph (7).
- (7) Those provisions are regulations 15(2), 16, and 17, but with the modifications specified in paragraph (9)(b), (c) and (d).
- (8) Regulation 19, in so far as it applies to vehicle type approvals, and regulation 21 apply to—
- (a) the holder of a national small series type approval, and
 - (b) vehicles to which a national small series type approval relates,
- but with the modifications specified in paragraph (9).
- (9) The modifications are that—
- (a) regulation 19(4)(b) is omitted,
 - (b) for each reference in a regulation to an EC type approval there is substituted a reference to a national small series type approval,
 - (c) for each reference in a regulation to an EC certificate of conformity there is substituted a reference to a national small series certificate of conformity, and
 - (d) where a regulation (or any part of a regulation) has effect by reference to a provision of the Framework Directive, for any reference in that provision to an EC type approval there is substituted a reference to a national small series type approval.
- (10) The holder of a national small series type approval must—
- (a) issue, in respect of each vehicle (whether incomplete, complete or completed) which is manufactured in conformity with that approval a certificate of conformity which complies with regulation 28(3) and is numbered sequentially between 1 and the maximum permitted number to denote, in respect of each year of production, the position of the vehicle within the production allocated for that year, and
 - (b) observe, in relation to the certificate of conformity, the requirements set out in paragraph (1), second sub-paragraph, and paragraphs (3) and (4) of Article 18 (certificates of conformity) of the Framework Directive.
- (11) The Secretary of State must not—

- (a) issue a first vehicle licence for a motor vehicle,
- (b) issue a first nil licence for a motor vehicle,
- (c) register a motor vehicle before the issue of a first licence, or
- (d) give consent under regulation 7(3) to the supply of a large trailer for use on a road,

if it appears that doing so would cause the total number of vehicles registered or, as the case may be, put into service on roads in the United Kingdom in any year to exceed the maximum permitted number.

(12) In this regulation—

“maximum permitted number”, for any type of vehicle, means the number show in column (2) of Table 1 below in relation to the vehicle category to which that type belongs;

“year” means any period commencing on 1st January and ending on 31st December.

Table 1: maximum permitted numbers

<i>(1) Vehicle category</i>	<i>(2) Maximum permitted number</i>
M ₁	75
M ₂ or M ₃	250
N ₁	500
N ₂ or N ₃	250
O ₁ or O ₂	500
O ₃ or O ₄	250

Recognition of national type approvals of small series granted in other member States

26.—(1) A manufacturer may, pursuant to the provisions of Article 23(6) of the Framework Directive (national type approval of small series), apply to the approval authority for recognition of a small series type approval granted to that manufacturer under the law of a member State other than the United Kingdom (a “non-UK type approval”).

(2) An application may not be made under paragraph (1) if an application in respect of the same type of vehicle has been made under regulation 24 and not withdrawn (and may not be proceeded with if an application under that regulation is made later).

(3) Not later than 60 days after receiving from the competent authority in that member State the type approval certificate and its attachments (including a statement of the technical provisions against which the vehicle type was approved), the approval authority must decide whether or not to accept the non-UK type approval.

(4) The type approval must be accepted unless the approval authority has reasonable grounds to believe that the technical provisions under which the approval was granted are not equivalent to those applying in the United Kingdom.

(5) If the approval is accepted the approval authority must, as soon as practicable, notify—

- (a) the applicant, and
- (b) the competent authority in the member State which granted it.

(6) If the approval is accepted the approval authority must, as soon as practicable, issue a national small series type approval certificate.

(7) For the purposes of this regulation, the approval authority has reasonable grounds to believe that the technical provisions under which the approval was granted are not equivalent to those applying in the United Kingdom if (but not only if) the authority is not satisfied that—

- (a) the applicant has made adequate arrangements (including for co-operating with the approval authority and the competent authority in the member State which granted the approval) to ensure that production vehicles, systems, components or separate technical units covered by the non-UK type approval conform to the approved type, or
- (b) vehicles supplied in the United Kingdom are constructed for use in left-hand traffic and use imperial units of measurement for the speedometer.

Individual approval

Individual approval

27.—(1) A person requiring an individual approval of a relevant vehicle must—

- (a) be a qualifying applicant, and
- (b) make an application to the approval authority.

(2) An application under paragraph (1) must be in a form specified by the approval authority which—

- (a) has been completed so as to provide all the information reasonably required by the authority in relation to the vehicle for which the application is made, and
- (b) is accompanied by the documents mentioned in the form as being so required,

but the approval authority may waive all or any of these requirements in the case of a reapplication made not later than 6 months after an earlier refusal to grant an individual approval certificate for the vehicle.

(3) This paragraph applies where the vehicle for which an application under paragraph (1) is made is covered by a non-UK approval.

(4) Where paragraph (3) applies, the application must be accompanied by—

- (a) a copy of the non-UK approval, and
- (b) a copy of the attachments to the certificate of type approval (if applicable),

and, in the case of a vehicle which has the benefit of an individual approval granted pursuant to Article 24 of the Framework Directive (individual approvals), must include a statement from the member State which granted it of the technical provisions against which the vehicle was approved.

(5) The approval authority may, if reasonably necessary and after payment of any prescribed fee, carry out an examination of the vehicle and in that event must, as soon as reasonably practicable after receiving the application, give to the applicant notice of—

- (a) the place at which the examination of the vehicle is to be carried out, and
- (b) the date and time at which the examination is to begin.

(6) Where the approval authority gives notice to an applicant under paragraph (5) that an examination of a vehicle is to be carried out—

- (a) the applicant must attend with the vehicle, or arrange for the vehicle to be produced, at the time and place specified in the notice unless otherwise agreed with the approval authority, and
- (b) the approval authority may decline to proceed with the examination at that time and place if it is considered unsafe or otherwise unreasonable to do so.

(7) The approval authority must make the decision whether or not to grant an individual approval in accordance with Article 24 of the Framework Directive and give notice to the applicant accordingly.

(8) For the purposes of paragraph (7)—

- (a) the alternative requirements required to be imposed under Article 24(1) are the technical or other requirements specified in Schedule 5;
- (b) where paragraph (3) applies the approval authority must grant an individual approval unless there are reasonable grounds to believe that the technical provisions under which the non-UK approval covering the vehicle was granted are not equivalent to those applying in the United Kingdom.

(9) For the purposes of paragraph (8)(b), the approval authority has reasonable grounds to believe that the technical provisions under which an approval was granted are not equivalent to those applying in the United Kingdom if (but not only if) the authority is not satisfied that the vehicle for which the application is made—

- (a) is constructed or adapted for use in left-hand traffic, and
- (b) uses imperial units of measurement for the speedometer.

(10) Where the approval authority decides to grant an individual approval the authority must issue a certificate which complies with regulation 28(2).

(11) In this regulation—

“non-UK approval” means—

- (a) type approval granted, pursuant to Article 23 of the Framework Directive, under the law of a member State other than the United Kingdom,
- (b) an EC certificate of conformity issued in respect of a type approval (whether granted under the law of a member State or the United Kingdom) showing that the vehicle was not constructed or adapted for use in left-hand traffic or that it does not use imperial units of measurement for the speedometer, or
- (c) an individual approval granted, pursuant to Article 24 of the Framework Directive, under the law of a member State other than the United Kingdom.

“qualifying applicant” means—

- (a) the manufacturer of the vehicle,
- (b) the owner of the vehicle, or
- (c) a person established in a member State who is acting on behalf of the manufacturer or owner.

Forms of certificate

Forms of certificates: national type approval of small series and individual approval

28.—(1) A national small series type approval certificate must be in the form set out in Part 1 of Schedule 6 (or a form to the like effect).

(2) An individual approval certificate must be in the form set out in Part 2 of Schedule 6 which is appropriate to the category of vehicle in respect of which it is issued (or a form to the like effect).

(3) A national small series certificate of conformity must be in the same format as that prescribed in Annex IX to the Framework Directive for an EC certificate of conformity relating to a vehicle of the same category and class containing such particulars as are relevant to the vehicle in respect of which it is issued, save that—

- (a) the certificate must carry the heading “National Small Series Certificate of Conformity (United Kingdom)”;
- (b) for each reference to an EC type approval there must be substituted a reference to a national small series type approval, and
- (c) for “EC type-approved”, in each place the expression occurs, there must be substituted “nationally type-approved”.