
STATUTORY INSTRUMENTS

2009 No. 717

The Road Vehicles (Approval) Regulations 2009

PART 5

VALIDITY OF APPROVALS AND END-OF SERIES VEHICLES

Validity of EC type approvals

29.—(1) Subject to paragraphs (2) and (3), an EC type approval ceases to be valid with respect to a vehicle for the purposes of Part 2 of these Regulations at the date when—

- (a) a new requirement imposed by a regulatory act becomes a mandatory condition for the registration, sale or entry into service of the vehicle,
- (b) production of the vehicle is voluntarily discontinued, or
- (c) it expires by virtue of a special restriction to which it is subject.

(2) An EC type approval does not cease to be valid in relation to a class of vehicles by virtue of paragraph (1)(a) if, at the date on which the new requirement becomes a mandatory condition, it has been updated to ensure that that class of vehicles complies with the new requirement.

(3) An EC type approval which applies to vehicles of more than one class ceases to be valid only with respect to those classes of vehicle to which the circumstances described in paragraph (1) (a), (b) or (c) apply.

(4) Where an EC type approval granted by the approval authority is about to become invalid the holder must inform the approval authority of that fact without delay.

(5) Where the approval authority becomes aware that an EC type approval is about to become invalid the authority must inform the corresponding authorities in other member States of all the relevant details as soon as reasonably practicable.

(6) In this regulation “EC type approval” means a type approval granted by the approval authority under these Regulations or under regulation 4 of the 1998 Regulations.

Validity of national small series type approvals

30.—(1) Subject to paragraphs (2) and (3), a national small series type approval ceases to be valid with respect to a vehicle for the purposes of Part 2 of these Regulations at the date when—

- (a) an amendment to the alternative requirements becomes a mandatory condition for the registration, sale or entry into service of the vehicle,
- (b) production of the vehicle is voluntarily discontinued, or
- (c) it expires by virtue of a special restriction to which it is subject.

(2) A national small series type approval does not cease to be valid by virtue of paragraph (1) (a) to the extent that it can be updated to ensure that any class of vehicles in respect of which it is granted complies with the amended alternative requirements.

(3) A national small series type approval which applies to vehicles of more than one class ceases to be valid only with respect to those classes of vehicle to which the circumstances described in paragraph (1)(a), (b) or (c) apply.

(4) Except as provided in regulation 32, a national small series certificate of conformity has no effect for the purposes of Part 2 of these Regulations if the type approval under which it is issued has ceased to be valid with respect to the vehicle for which it is issued.

(5) In this regulation, “alternative requirements” means the requirements specified in regulation 25(2).

End-of-series vehicles for EC type approval

31.—(1) This regulation applies where—

- (a) an EC type approval has been granted by the approval authority, and
- (b) the approval authority is satisfied that the type approval is going to cease to be valid by virtue of regulation 29(1)(a).

(2) At the request of the holder of an EC type approval to which this regulation applies, the approval authority may direct that an EC certificate of conformity issued under that approval in respect of an end-of-series vehicle has effect for the purposes of Part 2 of these Regulations for the relevant period.

(3) The holder of the approval must specify, in a request made under paragraph (2), the technical or economic reasons preventing that holder from complying with new technical requirements applying to the vehicles in question after the type approval ceases to be valid.

(4) The approval authority must—

- (a) decide whether or not to give a direction not later than 3 months after receiving the request, and
- (b) must, on deciding not to give a direction, give notice of that decision to the holder of the approval without delay.

(5) For the purposes of paragraph (2)—

- (a) an “end-of-series vehicle” is a vehicle in relation to which the conditions in paragraph (6) are satisfied;
- (b) the “relevant period” is—
 - (i) in the case of a complete vehicle, the period of 12 months commencing on the date on which the EC type approval ceases to be valid, and
 - (ii) in the case of an incomplete or a completed vehicle, the period of 18 months commencing on that date.

(6) The conditions are that—

- (a) the vehicle is manufactured in conformity with a valid EC type approval,
- (b) that type approval later ceases to be valid by virtue of regulation 29(1)(a), and
- (c) the EC certificate of conformity issued in respect of the vehicle bears a date not less than 3 months earlier than the date on which the type approval ceases to be valid.

(7) In this regulation—

“EC type approval” means a type approval granted by the approval authority under these Regulations or under regulation 4 of the 1998 Regulations, and

“EC certificate of conformity” means a certificate of conformity issued in respect of an EC type approval.

End-of-series vehicles for national small series type approval

32.—(1) This regulation applies to a national small series type approval if the approval authority is satisfied that it is going to cease to be valid by virtue of regulation 30(1)(a).

(2) The approval authority may, at the request of a holder of a national small series type approval to which this regulation applies, direct that a certificate of conformity issued under that approval in respect of an end-of-series vehicle has effect for the purposes of Part 2 of these Regulations for the relevant period.

(3) The holder of the approval must specify, in a request made under paragraph (2), the technical or economic reasons preventing that holder from complying with amended requirements applying to the vehicles in question after the type approval ceases to be valid.

(4) The approval authority must—

- (a) decide whether or not to give a direction not later than 3 months after receiving the request, and
- (b) must, on deciding not to give a direction, give notice of that decision to the holder of the approval without delay.

(5) For the purposes of paragraph (2)—

- (a) an “end-of-series vehicle” is a vehicle in relation to which the conditions in paragraph (6) are satisfied;
- (b) the “relevant period” is—
 - (i) in the case of a complete vehicle, the period of 12 months commencing on the date on which the EC type approval ceases to be valid, and
 - (ii) in the case of an incomplete or a completed vehicle, the period of 18 months commencing on that date.

(6) The conditions are that—

- (a) the vehicle is manufactured in conformity with a valid national small series type approval,
- (b) that type approval later ceases to be valid by virtue of regulation 30(1)(a), and
- (c) the national small series certificate of conformity issued in respect of the vehicle bears a date not less than 3 months earlier than the date on which the type approval ceases to be valid.