Draft Regulations laid before Parliament under paragraph 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No. 0000

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

ENVIRONMENTAL PROTECTION

The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020

Made - - - - 2020

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 54 and 61(2)(k) of the Road Traffic Act 1988(**a**) ("the 1988 Act") and sections 8(1) and 8C of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**b**) ("the 2018 Act").

In accordance with section 195(2) of the 1988 Act the Secretary of State has consulted such representative organisations as the Secretary of State thinks fit about the amendments made by regulation 2(7) of these Regulations.

In accordance with paragraph 8F(1) of Schedule 7 to the 2018 Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020.

(2) These Regulations come into force immediately before IP completion day.

Amendment of the Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019

(**a**) 1988 c. 52.

(**b**) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Section 8C was inserted by section 21 of that Act and paragraphs 8A to 8G of Schedule 7 to the 2018 Act were inserted by Schedule 5, paragraph 51.

2.—(1) The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019(**a**) are amended as follows.

(2) In regulation 2 (amendment of the Road Traffic Act 1988(**b**))—

(a) in paragraph (2), in the new subsection (1C) to be inserted by that paragraph, for "exit day", in both places it occurs, substitute "IP completion day";

(b) in paragraph (3), in the new subsection (1ZB) to be inserted by that paragraph, for "exit day", in each place it occurs, substitute "IP completion day".

(3) In regulation 3 (amendment of the Vehicle Excise and Registration Act 1994(**c**))—

(a) in paragraph (2)—

(i) for sub-paragraph (a) substitute—

"(a) after subsection (5A)(**d**), insert—

"(5B) The Secretary of State may not issue a vehicle licence in respect of a vehicle—

(a) completed before IP completion day,

(b) which is to be, or is normally, kept at a place in Great Britain, and

(c) in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State,

unless the vehicle satisfies one of the conditions in subsection (5C).

(5C) The conditions are—

(a) the vehicle is qualifying Northern Ireland goods;

(b) the vehicle was in the United Kingdom immediately before IP completion day;

(c) a relevant UK certificate has effect with respect to the vehicle.

(5D) The Secretary of State may not issue a vehicle licence in respect of a vehicle which—

(a) is completed on or after IP completion day, and

(b) is to be kept, or is normally kept, at a place in Great Britain,

unless the vehicle satisfies one of the conditions in subsection (5E).

(5E) The conditions are—

(a) the vehicle is qualifying Northern Ireland goods in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State;

(b) a relevant UK certificate has effect with respect to the vehicle.

(5F) The Secretary of State may not issue a vehicle licence in respect of a vehicle—

(a) completed before IP completion day, and

(b) which is to be, or is normally, kept at a place in Northern Ireland,

unless the vehicle satisfies one of the conditions in subsection (5G).

(5G) The conditions are—

(**a**) S.I. 2019/648, as amended by S.I. 2019/691, 2019/1156 and 2020/818.
(**b**) 1988 c. 52.
(**c**) 1994 c. 22.
(**d**) Subsection (5A) was inserted by section 15(1) of the HGV Road User Levy Act 2013 (c. 7).

(a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of the vehicle;

(b) the vehicle was in the United Kingdom immediately before IP completion day and a relevant UK certificate issued before that day has effect with respect to it.

(5H) The Secretary of State may not issue a vehicle licence in respect of a vehicle—

(a) which is completed on or after IP completion day, and

(b) which is, or is to be, kept at a place in Northern Ireland,

unless the vehicle satisfies one of the conditions in subsection (5I).

(5I) The conditions are—

(a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of the vehicle;

(b) a relevant Northern Ireland certificate has effect in respect of the vehicle.".";

(ii) in sub-paragraph (b)—

(aa) in the definition of "EU State", to be inserted by that sub-paragraph, for "exit day", in both places it occurs, substitute "IP completion day";

(bb) after that definition, insert—

""qualifying Northern Ireland goods" has the meaning given by regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;";

(cc) after the definition of "relevant European approval", insert—

""relevant Northern Ireland certificate" means—

(a) a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), as they apply in and in relation to Northern Ireland,

(b) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,

(c) a Department's approval certificate issued under Article 31A(4) or (5) of that Order, or

(d) an EC certificate of conformity issued in reliance on a valid relevant European approval granted by or on the authority of the Secretary of State in relation to Northern Ireland;";

(b) in paragraph (3), in the new section 22B to be inserted by that paragraph—

(i) in subsection (1) for "and (3)" substitute "to (3C)";

(ii) for subsections (2) and (3) substitute—

"(2) A vehicle—

(a) which was completed before IP completion day, and

(b) in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State,

may not be registered under section 21 in Great Britain unless one of the conditions in subsection (3) applies to the vehicle.

(3) The conditions are—

(a) the vehicle is qualifying Northern Ireland goods;

(b) the vehicle was in the United Kingdom immediately before IP completion day;

(c) a relevant UK certificate has effect with respect to the vehicle.

(3A) A vehicle which is completed on or after IP completion day may not be registered under section 21 in Great Britain unless—

(a) it is qualifying Northern Ireland goods in respect of which there is an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State, or

(b) a relevant UK certificate has effect with respect to it.

(3B) A vehicle completed before IP completion day may not be registered under section 21 in Northern Ireland unless—

(a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of it, or

(b) it was in the United Kingdom immediately before IP completion day and a relevant UK certificate issued before that day has effect with respect to it.

(3C) A vehicle completed on or after IP completion day may not be registered under section 21 in Northern Ireland unless—

(a) an EC certificate of conformity issued in reliance on a relevant European approval granted by or on the authority of an EU State has effect in respect of it, or

(b) a relevant Northern Ireland certificate has effect with respect to it.";

(iii) after the definition of "EU State", insert—

""qualifying Northern Ireland goods" has the meaning given by regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;";

(iv) after the definition of "relevant European approval", insert—

""relevant Northern Ireland certificate" means—

(a) a certificate issued pursuant to regulation 16(7) or 18(10) of the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), as they apply in and in relation to Northern Ireland,

(b) a certificate of conformity issued under Article 31A(3) of the Road Traffic (Northern Ireland) Order 1981,

(c) a Department's approval certificate issued under Article 31A(4) or (5) of that Order, or

(d) an EC certificate of conformity issued in reliance on a valid relevant European approval granted by or on the authority of the Secretary of State in relation to Northern Ireland;".

(4) Omit Part 4 (amendment of Northern Ireland legislation: European Union (Withdrawal) Act 2018).

(5) In regulation 7 (amendment of the Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particle Pollutants) Regulations 2018(**a**)), for paragraph (2) substitute—

"(2) After regulation 10 (withdrawal and suspension of approvals: effect), insert—

"**Products approved in member States or in Northern Ireland**

10A.—(1) Paragraphs (2) to (4) apply notwithstanding anything in these Regulations or the NRMM Regulation.

(2) A manufacturer or an importer may place a qualifying relevant product on the market in Great Britain.

(3) A distributor may make a qualifying relevant product available on the market in Great Britain.

(4) In this regulation—

(**a**) S.I. 2018/764, as amended by S.I. 2019/648.

"qualifying relevant product" means a relevant product in respect of which the manufacturer of the product holds a relevant EU approval or a relevant NI approval;

"relevant EU approval" means a valid EU-type approval issued—

(a) before IP completion day (other than in the United Kingdom) in accordance with the NRMM Regulation, or

(b) on or after IP completion day in a member State in accordance with the NRMM Regulation as it has effect in EU law,

and includes any such approval which is revised or extended;

"relevant NI approval" means a valid EU-type approval issued on or after IP completion day in Northern Ireland in accordance with the NRMM Regulation as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and includes any such approval which is revised or extended.".".

(6) After regulation 7, insert—

"**Amendment of the Road Vehicles Approval Regulations 2020**

7A.—(1) The Road Vehicle Approval Regulations 2020(**a**) are amended as follows.

(2) After regulation 1, insert—

"Application

1A. The following provisions of these Regulations do not apply in England and Wales or Scotland—

(a) in regulation 16, paragraphs (4) and (5);

(b) in regulation 17, paragraphs (4) to (6);

(c) in regulation 18, paragraphs (8)(b) and (9).".

(3) In regulation 8(1), for sub-paragraph (b) (but not the "and" at the end of that sub-paragraph) substitute—

"(b) the remedies available to the party concerned—

(i) where the application is made in respect of Great Britain, under the laws in force in Great Britain;

(ii) where the application is made in respect of Northern Ireland, under the laws in force in Northern Ireland,".

(4) In regulation 14(1)(a), for "the United Kingdom" substitute "Great Britain or, as the case may be, Northern Ireland".

(5) In regulation 16, in paragraphs (4) and (5), omit "other than the United Kingdom".

(6) In regulation 17—

(a) in the heading, omit "other";

(b) in paragraph (1), omit "other than the United Kingdom";

(c) in paragraphs (4) and (6), for "the United Kingdom", in each place it occurs, substitute "Northern Ireland".

(7) In regulation 18—

(a) in paragraph (4)(a), omit "other than the United Kingdom";

(b) in paragraphs (8)(b) and (9) for "the United Kingdom" substitute "Northern Ireland";

(**a**) S.I. 2020/818.

(c) in paragraph (16), in the definition of "non-UK approval"—

(i) in paragraphs (a) and (c), omit "other than the United Kingdom";

(ii) in paragraph (b), for "or the United" substitute "or any part of the United".

(8) In regulation 20, in paragraph (3), for sub-paragraph (a) substitute—

"(a) the certificate must carry the heading "National Small Series Certificate of Conformity (Great Britain)" or, as the case may be, "National Small Series Certificate of Conformity (Northern Ireland)",".

(9) In regulation 21—

(a) in paragraph (5), in sub-paragraph (a), omit "other than the United Kingdom";

(b) in paragraph (9), in the definition of "EU certificate of conformity", in sub-paragraph (c), the words before paragraph (i), omit "other than the United Kingdom".

(10) In Schedule 1, in paragraph 1—

(a) in the definition of "approval", in paragraph (a), for "other" substitute "a";

(b) in the definition of "certificate of conformity" for "other" substitute "a".".

(7) In Part 6, before regulation 8, insert—

"**Amendment of Commission Regulation (EU) No 1230/2012**

A8.—(1) Commission Regulation (EU) No 1230/2012 of 12 December 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with regard to type-approval requirements for masses and dimensions of motor vehicles and their trailers is amended as follows.

(2) In Annex 1 (technical requirements)—

(a) in Part A—

(i) omit point 1.1.3;

(ii) in points 1.2 and 1.3, for "length, width and height", in each place those words occur, substitute "length and width";

(b) in Part B, in point 1.1.3, for "4,00 metres" substitute "4.57 metres";

(c) in Part C—

(i) omit point 1.1.3;

(ii) in points 1.2 and 1.3, for "length, width and height", in each place those words occur, substitute "length and width";

(d) in Part D—

(i) omit point 1.1.3;

(ii) in points 1.2 and 1.4, for "length, width and height", in each place those words occur, substitute "length and width";

(iii) in point 1.3, omit ", height"".

(8) In regulation 8 (amendment of Regulation (EU) No 167/2013)—

(a) in paragraph (2), in the new paragraph to be inserted by that paragraph, for "the United Kingdom" substitute "Great Britain";

(b) after paragraph (2), insert—

"(3) In Article 40—

(a) in paragraph 1, for the words from "if they comply" to the end substitute "if paragraph 1A applies to the components or separate technical units";

(b) after paragraph 1, insert—

"**1A.** This paragraph applies to components or separate technical units if they—

(a) comply with the requirements of the relevant acts listed in Annex 1 and are properly marked in accordance with Article 34;

(b) comply with the requirements of the relevant acts listed in Annex 1 to Regulation (EU) No 167/2013 as it has effect in EU law and are properly marked in accordance with Article 34 of that Regulation; or

(c) comply with the requirements of the relevant acts listed in Annex 1 to Regulation (EU) No 167/2013 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and are properly marked in accordance with Article 34 of that Regulation.".".

(9) In regulation 9 (amendment of Regulation (EU) No 168/2013)—

(a) in paragraph (2), in the new paragraph to be inserted by that paragraph, for "the United Kingdom" substitute "Great Britain";

(b) after paragraph (2), insert—

"(3) In Article 45—

(a) in paragraph 1, for the words from "if they comply" to the end substitute "if paragraph 1A applies to the components or separate technical units";

(b) after paragraph 1, insert—

"**1A.** This paragraph applies to components or separate technical units if they—

(a) comply with the requirements of the relevant acts listed in Annex 2 and are properly marked in accordance with Article 39;

(b) comply with the requirements of the relevant acts listed in Annex 2 to Regulation (EU) No 168/2013 as it has effect in EU law and are properly marked in accordance with Article 39 of that Regulation; or

(c) comply with the requirements of the relevant acts listed in Annex 2 to Regulation (EU) No 168/2013 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and are properly marked in accordance with Article 39 of that Regulation.".".

(10) In regulation 10ZA—

(a) in paragraph (2), in the new paragraph to be inserted by that paragraph, for "the United Kingdom" substitute "Great Britain";

(b) after paragraph (2), insert—

"(2A) In Article 50—

(a) in paragraph 1, for the words from "if they comply" to the end substitute "if paragraph 1A applies to the components or separate technical units";

(b) after paragraph 1, insert—

"**1A.** This paragraph applies to components or separate technical units if they—

(a) comply with the requirements of the relevant regulatory acts listed in Annex 2 and are properly marked in accordance with Article 38;

(b) comply with the requirements of the relevant regulatory acts listed in Annex 2 to Regulation (EU) No 2018/858 as it has effect in EU law and are properly marked in accordance with Article 38 of that Regulation; or

(c) comply with requirements of the relevant regulatory acts listed in Annex 2 to Regulation (EU) No 2018/858 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and are properly marked in accordance with Article 38 of that Regulation.".".

(11) In regulation 10A (revocation of Regulation (EU) 2019/26 and transitional provision), in paragraph (2), for "exit day", in each place it occurs, substitute "IP completion day".

(12) In regulation 11 (expiry and saving)—

(a) in paragraph (1)—

(i) for "and 4 to 6" substitute ", 5 and 6";

(ii) for "exit day" substitute "IP completion day";

(b) in paragraph (2)—

(i) omit sub-paragraph (b) (including the "or" at the end of that sub-paragraph);

(ii) omit sub-paragraph (c).

Signatory text

Name

Address — Parliamentary Under Secretary of State

Date — Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/648) ("the 2019 Regulations"). These Regulations are made in exercise of the powers conferred by sections 8(1) and 8C of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies, and to give effect to the United Kingdom's obligations under the protocol on Ireland/Northern Ireland to the EU withdrawal agreement ("the Protocol").

The 2019 Regulations made temporary amendments to legislation in the field of type approval for road vehicles and non-road mobile machinery and, in particular, provide for an interim arrangement allowing the Secretary of State, or Northern Ireland Department, to issue type approval certificates to holders of EU type approval granted other than in the United Kingdom and (in respect of road vehicles) for those type approval certificates to be the basis for the issue of certificates of conformity used for the purposes of vehicle registration. These interim arrangements are to have effect for a period of two years.

These Regulations amend the interim arrangements, following the inclusion of the relevant EU Type Approval legislation in Annex 2 to the Protocol, so that they continue to operate effectively Great Britain and also to allow vehicles which are qualifying Northern Ireland goods to be registered in Great Britain.

The 2019 Regulations are also amended to allow various engines, components and technical units within scope of the type approval legislation to be entered into service or placed on the market in Great Britain if they comply with the relevant legislative requirements as they apply in member States or Northern Ireland. These arrangements will also have effect for a period of two years.

These Regulations also make necessary consequential amendments to other related legislation.

These Regulations also amend Commission Regulation (EU) 1230/2012 of 12 December 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with regard to type-approval requirements for masses and dimensions of motor vehicles and their trailers (OJ L. No 353 21.12.20012, p.31). This amendment is to allow for the type approval in Great Britain of vehicles within scope of that Regulation which have a height exceeding 4 metres.

The net costs on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5m in any year and therefore a full impact assessment has not been prepared.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.

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