EXPLANATORY MEMORANDUM TO

THE MOTOR CYCLES ETC. AND TRACTORS ETC. (EC TYPE APPROVAL) (AMENDMENT) REGULATIONS 2009

2009 No. 3266

1. This explanatory memorandum has been prepared by the Vehicle Certification Agency of the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

The instrument amends the Motor Cycles Etc (EC Type Approval) Regulations 1999 ("The 1999 Regulations"), and the Tractor etc (EC Type Approval) Regulations 2005, in order to repeal a number of base directives and their amendments and implement new codified directives which contain the consolidated requirements from the earlier directives.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

None

4. Legislative Context

4.1 The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972, in relation to any vehicle type approval scheme. These Regulations are made in exercise of the powers conferred by that section of that Act. Directives 2009/62/EC, 2009/67/EC, 2009/78/EC, 2009/79/EC, 2009/80/EC, 2009/57/EC, 2009/58/EC, 2009/59/EC, 2009/60/EC, 2009/61/EC, 2009/63/EC, 2009/64/EC, 2009/66/EC, 2009/68/EC, 2009/75/EC and 2009/76/EC are all codified, and do not contain any new requirements.

4.2. It is a requirement of the EC type approval system that transposition of these Directives must be carried out.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 This instrument implements:-

(a) Directive 2009/62/EC
(b) Directive 2009/67/EC
(c) Directive 2009/78/EC
(d) Directive 2009/79/EC
(e) Directive 2009/80/EC
(f) Directive 2009/57/EC
(g) Directive 2009/58/EC
(h) Directive 2009/59/EC
(i) Directive 2009/60/EC
(j) Directive 2009/61/EC
(k) Directive 2009/63/EC
(l) Directive 2009/64/EC
(m) Directive 2009/66/EC
(n) Directive 2009/68/EC
(o) Directive 2009/75/EC
(p) Directive 2009/76/EC.

7.2. Pursuant to Directive 2002/24/EC, the 1999 Regulations provide a system for granting European Community type approval for two and three wheeled motor vehicles (mopeds, motor cycles, and motor tricycles) and certain four wheeled motor vehicles (quadricycles) and also their systems, separate technical units or components. Pursuant to Directive 2003/37/EC the 2005 Regulations provide a system for granting European Community type approval for Tractors and agricultural and forestry , machinery and also their systems, separate technical units or components.

7.3. To obtain EC type approval compliance must be shown with the minimum technical standards specified by various separate EC Directives. In the case of vehicles, this allows registration and sale of the vehicles in any EEA Member State, and in the case of systems or components, this allows sale or installation.

7.4. Directives 2009/62/EC (space for mounting the rear registration plate of two or three-wheel motor vehicles), 2009/67/EC (Installation of lighting and light signalling devices on two or three wheeled motor vehicles), 2009/78/EC (Motorcycle stands for two wheel motor vehicles), 2009/79/EC (Passenger hand holds for two wheel motor vehicles), 2009/80/EC (Identification of controls, tell-tales and indicators for two or three-wheel motor vehicles), 2009/57/EC (roll-over protection structures of wheeled agricultural or forestry tractors), 2009/58/EC (coupling device and the reverse of wheeled agricultural or forestry tractors), Directive 2009/59/EC (rear-view mirrors for wheeled agricultural or forestry tractors), Directive 2009/60/EC (maximum design speed of and load platforms for wheeled agricultural or forestry tractors), Directive 2009/61/EC (installation of lighting and light-signalling devices on wheeled agricultural and forestry tractors), Directive 2009/63/EC (certain parts and characteristics of wheeled agricultural or forestry tractors), Directive 2009/64/EC (suppression of radio interference produced by agricultural or forestry tractors (electromagnetic compatibility), Directive 2009/66/EC (steering equipment of wheeled agricultural or forestry tractors), Directive 2009/68/EC (component type-approval of lighting and light-signalling devices on wheeled agricultural or forestry tractors), Directive 2009/75/EC (roll-over protection structures of wheeled agricultural or forestry tractors (static testing), and Directive 2009/76/EC (driver-perceived noise level of wheeled agricultural or forestry tractors) are all codified directives. The existing directives and

their amendments are being repealed and consolidated versions of the requirements are contained in the new directives.

8. Consultation outcome

Although implementation of these Directives is mandatory, and there is no alternative option but to amend the 1999 and 2005 Regulations, it has become usual to advise the United Kingdom's automotive industry of the necessary changes and ask their opinions. Representatives of the Industry participate actively in the development of European legislation, and close contact will have been maintained during the decision making process that led to the adoption of the Directives. Following this practice, notification letters were sent by the Vehicle Certification Agency on 1 December 2009 to representatives of industry in order to advise of the imminent transposition and to invite any comment. To date no response has been received.

9. Guidance

The Vehicle Certification Agency provides guidance on legislation through type approval scheme guides, legislation information notices, and its VISTA and Legstat type approval legislation databases.

10. Impact

10.1 There is no significant impact on business, charities or voluntary bodies as the effect of these Directives is to consolidate existing requirements.

10.2 There is also no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 This legislation applies to small business.

11.2 The legislation does not set to minimise the impact of the requirements on small firms employing up to 20 people as it transposes EC legislation into the parent legislation (The Motor Cycles Etc (EC Type Approval) Regulations 1999, and the Tractor etc (EC Type Approval) Regulations 2005) and no specific provision for small businesses is made in those Regulations or in the EC Directives being transposed. However as an alternative to these Regulations, a vehicle otherwise covered by the 1999 Regulations may be approved under The Motor Cycles Etc. (Single Vehicle Approval) Regulations 2003 (2003 No 1959) (which provides for a system of Motorcycle Single Vehicle Approval where less onerous requirements are applied). No equivalent scheme exists for agricultural or forestry tractors.

12. Monitoring & review

This legislation satisfies obligations placed on the United Kingdom by EC legislation to transpose the Directives into UK law. Hence no monitoring and review is required.

13. Contact

Mohammed Farooq at the Vehicle Certification Agency Tel: 0117 952 4119 or email: mohammed.farooq@vca.gov.uk can answer any queries regarding the instrument.