EXPLANATORY MEMORANDUM TO

THE MOTOR CYCLE ETC. (EC TYPE APPROVAL) (AMENDMENT) REGULATIONS 2004 No. 1948

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

2. Description

2.1 These Regulations amend the Motor Cycles Etc. (EC Type Approval Regulations 1999 ("the 1999 Regulations") in order to implement Commission Directive 2003/77/EC of 11th August 2003. Directive 2003/77/EC amends Directives 97/24/EC and 2002/24/EC of the European Parliament and of the Council relating to the type approval of two or three-wheel motor vehicles.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None

4. Legislative Background

4.1 The Secretary of State for Transport is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles and of components for vehicles, and in particular any vehicle type approval scheme. These Regulations are made in exercise of the powers conferred by that section.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. Policy background

6.1 Pursuant to Directive 92/61/EEC, as repealed and replaced by Directive 2002/24/EC, the 1999 Regulations provide a system for granting European Community "whole vehicle" type approval for two or three-wheel vehicles (mopeds, motor cycles and motor tricycles) and certain four-wheel vehicles (quadricycles).

6.2 To obtain EC type approval such vehicles must comply with the minimum technical standards specified by various separate EC Directives in respect of certain systems and components; they are then approved in complete form as whole vehicles. This allows registration of the vehicles in any EU Member State. The aforementioned separate Directives are listed in Schedule 1 to the 1999 Regulations.

6.3 As part of the European Community's efforts to reduce the level of pollutant emissions from two and three-wheel motor vehicles, new limits for such emissions were recently introduced by Directive 2002/51/EC, amending separate Directive 97/24/EC. Following Directive 2002/51/EC, Directive 2003/77/EC makes further amendments to Directive 97/24/EC to clarify certain requirements relating to the tests for measuring emissions. It also provides for the recording of test data in Annex VII to Directive 2002/24/EC.

6.4 These Regulations add Directive 2003/77/EC to the table in Schedule 1 to the 1999 Regulations thereby implementing the Directive for the purposes of EC type approval procedures and fulfilling the UK's obligations as an EU Member State.

7. Impact

7.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

7.2 There is no impact on the public sector.

8. Contact

Gus Gander at the Vehicle Certification Agency, Department for Transport, Tel: 01179 524119 or e-mail: ggander@vca.gov.uk, can answer any queries regarding the instrument.