STATUTORY INSTRUMENTS

2009 No. 815

ROAD TRAFFIC

The Motor Vehicles (Approval) (Amendment) Regulations 2009

Made - - - -	*30th March 2009*
Laid before Parliament	*2nd April 2009*
Coming into force - -	*29th April 2009*

The Secretary of State for Transport, in exercise of the powers conferred by sections 61(1) and 63(1) of the Road Traffic Act 1988(**a**), makes the following Regulations.

The Secretary of State has consulted such representative organisations as he thinks fit in accordance with section 195(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Approval) (Amendment) Regulations 2009 and come into force on 29th April 2009.

Amendment of the principal Regulations

2.—(1) The Motor Vehicles (Approval) Regulations 2001(**b**) are amended as provided in paragraphs (2) to (9).

(2) In regulation 3(1) (interpretation)—

(a) for the definition of "the 1970 Directive" substitute—

""the Framework Directive" means Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(**c**);";

(b) for the definition of "category" substitute—

""category" has the same meaning as in the Framework Directive;";

(c) omit the definition of "EEA State";

(d) for the definition of "family of types" substitute—

""family of types" means two or more types of vehicle which do not differ in the following essential respects–

(a) the manufacturer,

(**a**) 1988 c.52. Section 66(3) was amended by the Vehicle Excise and Registration Act 1994 (c.22), Schedule 3, paragraph 24(1).
(**b**) S.I. 2001/25. Amended by S.I. 2004/623.
(**c**) OJ No L263, 9.10.2007, p.1, amended by Commission Directive (EC) No 1060/2008 of 7 October 2008 replacing Annexes I, III, IV, VII, XI and XV (OJ No L292, 31.10.2008, p.1).

(b) the category,

(c) essential aspects of construction and design,

(d) the chassis or floor pan,

(e) the type of power plant (namely internal combustion, electric or hybrid), and

(f) the number of axles;".

(3) In regulation 3(2), for "Annex IIA of the 1970 Directive" substitute "Annex II to the Framework Directive".

(4) In regulation 4 (application of regulations), for paragraph (1) substitute—

"(1) These Regulations apply to—

(a) every motor vehicle within category M1 which is a special purpose vehicle within the meaning of Annex II to the Framework Directive, and

(b) every motor vehicle to which the 1982 Regulations(**a**) apply which—

(i) has a design gross weight not exceeding 3500 kg, or

(ii) complies with the requirements specified in paragraph (2).".

(5) In regulation 5 (approval requirements for relevant vehicles), for paragraph (7) substitute—

"(7) Where a provision of any Community instrument or ECE Regulation is applied by Schedule 4, that provision shall (unless the contrary intention appears) have effect in relation to a goods vehicle as it has effect in relation to a vehicle of category N1.".

(6) In regulation 5(8A), for "EEA State" substitute "member State".

(7) Omit regulation 6(8).

(8) In Schedule 2, in paragraph 1 (meaning of "Schedule 2 vehicles"), for "Annex IIA of the 1970 Directive" in each place where the words occur substitute "Annex II to the Framework Directive".

(9) In Schedule 3 (approval requirements for relevant vehicles), in column 4 of item 6, for "Annex IIA of the 1970 Directive" substitute "Annex II to the Framework Directive".

Signed by authority of the Secretary of State

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

30th March 2009

(**a**) I.e. the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 (S.I. 1982/1271).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Approval) Regulations 2001 (the "principal Regulations"). The amendments are necessary in connection with the implementation of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ No L263, 9.10.2007, p.1), referred to in the Regulations as the "Framework Directive", which replaces Directive 70/156/EEC. The Framework Directive has been amended by Commission Regulation (EC) No 1060/2008 (OJ No L292, 31.10.2008, p.1).

The principal Regulations provide for the issue of Minister's approval certificates for single vehicles under section 58 of the Road Traffic Act 1988. They apply to small goods vehicles covered by the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 (S.I. 1982/1271) and to motor cycles and small passenger vehicles covered by the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984 (S.I. 1984/981).

From April 29th 2009 the new Framework Directive imposes new requirements for the approval of single passenger vehicles in category M_1 other than special purpose vehicles (for which new requirements apply from 29th April 2011). Regulation 4(1) of the principal Regulations is therefore amended by *regulation 2(4)* to limit their application to M_1 special purpose vehicles. This provision also removes motor cycles and certain light vehicles with 3 and 4 wheels from the scope of the principal Regulations since approval of these is now covered by the Motor Cycles Etc (EC Type Approval) Regulations 1999 (S.I. 1999/2920).

Regulation 2 also replaces references to the 1970 Directive in the principal Regulations with references to the Framework Directive and makes other consequential amendments.

As these Regulations do not in themselves have an impact on the costs of the business, voluntary or public sectors, no Impact Assessment has been produced in relation to them. An Impact Assessment and Transposition Note have been produced in relation to the principal implementing instrument, the Road Vehicles (Approval) Regulations 2009 (S.I. 2009/717).

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