Draft Order in Council laid before Parliament under section 1(5) of the Motor Vehicles (International Circulation) Act 1952, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

ROAD TRAFFIC

The Motor Vehicles (International Circulation) (Amendment) Order 2010

Laid before Parliament in draft

Made - - - - 2010

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the *** day of ***

Present,

The Queen's Most Excellent Majesty in Council

A draft of this Order has, in pursuance of section 1(5) of the Motor Vehicles (International Circulation) Act 1952(**1**), been laid before Parliament and approved by resolution of each House of Parliament.

Her Majesty, in pursuance of section 1(1) and (4) of the Motor Vehicles (International Circulation) Act 1952 as extended by article 14(1) of, and paragraph 16 of Schedule 5 to, the Northern Ireland (Modification of Enactments—No. 1) Order 1973(**2**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:-

Citation and commencement

1. This Order may be cited as the Motor Vehicles (International Circulation) (Amendment) Order 2010 and shall come into force —

(a) for all purposes except those of article 4 on 14th May 2010; and

(b) for the purposes of article 4 on 4th December 2011.

(**1**) 1952 c.39. By virtue of section 8 of the Road Traffic (Amendment) Act 1967 (c. 70), the power under section 1 to make provision modifying an enactment relating to motor vehicles or the drivers of vehicles includes power to make provision corresponding to any such enactment.

(**2**) S.I. 1973/2163 (1973 III, p. 7541). The instrument remains in force by virtue of section 95(1)(c) of the Northern Ireland Act 1998 (c.47).

[DfT 00005PC]

Interpretation

2. In this Order, "the principal Order" means the Motor Vehicles (International Circulation) Order 1975(**3**).

Amendments to article 5 of the principal Order (Excise exemption and documents for vehicles brought temporarily into the United Kingdom

3.—(1) Article 5 of the principal Order is amended as follows.

(2) In paragraph (2)(b)(iii) for the words "the First Council Directive" is substituted "the Directive of the European Parliament and of the Council".

(3) In paragraph (9) –

(a) for the definition of "the First Council Directive on the establishment of common rules for certain types of carriage of goods by road" is substituted—

> "the Directive of the European Parliament and of the Council on the establishment of common rules for certain types of carriage of goods by road" means Directive 2006/94 of the European Parliament and of the Council of 12th December 2006 on the establishment of common rules for certain types of carriage of goods by road(**4**);".

(b) for the definition of "the Council Regulation on goods transport cabotage" is substituted—

> ""the Council Regulation on goods transport cabotage" means Council Regulation (EEC) No. 3118/93 of 25th October 1993 laying down conditions under which non-resident carriers may operate national road haulage services within a Member State(**5**) as it has effect with the Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market;".

(c) for the definition of "the Council Regulation on passenger transport cabotage" is substituted—

> ""the Council Regulation on passenger transport cabotage" means Council Regulation (EC) No. 12/98 of 11th December 1997 laying down conditions under which non-resident carriers may operate national road passenger transport services within a Member State(**6**);".

4.—(1) Article 5 of the principal Order is further amended as follows.

(2) For paragraph (2)(b) is substituted—

"(b) in a case of a vehicle being used for or in connection with—

(i) international carriage or a cabotage operation within the scope of the Regulation of the European Parliament and of the Council on common rules for access to the international market for coach and bus services or the Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market, or

(**3**) S.I. 1975/1208. Article 5(2) was substituted by S.I. 1996/1929, article 5. In article 5(9), the definitions "the First Council Directive on the establishment of common rules for certain types of carriage of goods by road", "the Council Regulation on common rules for the international carriage of passengers by coach and bus", "the Council Regulation on access to the market in the carriage of goods within the Community", "the Council Regulation on passenger transport cabotage" and "the Council Regulation on goods transport cabotage" were inserted by S.I. 1996/1929, article 6(3).

(**4**) O.J. L374, 27.12.2006, p.5.

(**5**) O.J. L279, 12.11.93, p.1. The instrument has been textually amended by Council Regulation (EC) No. 3315/94 of 22nd December 1994 (O.J. No. L350, 31.12.94, p.9) and by Regulation (EC) No. 484/2002 of the European Parliament and of the Council of 1st March 2002 (O.J. L76, 19.3.2002, p.1.)

(**6**) O.J. L004, 8.1.98, p. 10.