1993 No. 246

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (EC Type Approval) Regulations (Northern Ireland) 1993

Made . . . . . 21st May 1993

Coming into operation in accordance with regulation 1(2)

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme, in exercise of the powers conferred by that section and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Motor Vehicles (EC Type Approval) Regulations (Northern Ireland) 1993.

(2) These Regulations shall come into operation on 1st July 1993 except for regulations 7 and 8 which come into operation on 1st January 1996.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendments

3. The Road Traffic (Northern Ireland) Order 1981(**d**) shall be amended in accordance with regulations 4 to 8.

Definitions

4. In Article 31A(7) of that Order (approval of design, construction, etc., of motor vehicles)—

(*a*) for the words "Articles 31B to 31D" there shall be substituted "Articles 31B-31G";

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) 1954 c. 33 (N.I.)
(**d**) S.I. 1981/154 (N.I. 1); Articles 31A-E were inserted by S.I. 1985/755 (N.I. 6) Article 3

(*b*) before the definition of ''conform'' there shall be inserted the following definition—

'' ''certificate of conformity'' (except in the expression ''EC certificate of conformity'') means a certificate issued under paragraph (3);'';

(*c*) after the definition of ''conform'' there shall be inserted the following definitions—

'' ''EC certificate of conformity'' means any certificate of conformity issued by a manufacturer—

(*a*) under regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(*b*) under any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive,

which is expressed to be a certificate for a complete or completed vehicle;

''light passenger vehicle'' means any motor vehicle which—

(*a*) has at least 4 wheels,

(*b*) is equipped with an internal combustion engine,

(*c*) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,

(*d*) has no more than 8 seats in addition to the driver's seat, and

(*e*) has a maximum design speed exceeding 25 kilometres per hour,

but does not include a quadricycle within the meaning of Article 1(3) of the motorcycle type approval Directive or a vehicle produced by the Fire Authority for Northern Ireland for the purposes of the fire brigade under The Fire Services (Northern Ireland) Order 1984;

''the light passenger vehicle type approval Directive'' means Council Directive 70/156/EEC of 6th February 1970 on the approximation of the laws of the member States relating to the type approval of motor vehicles and their trailers as amended by Council Directive 87/403/EEC of 25th June 1987 and Council Directive 92/53/EEC of 18th June 1992;

''the motorcycle type approval Directive'' means Council Directive 92/61/EEC of 30th June 1992 relating to the type approval of two or three-wheel motor vehicles.''.

Conditions for grant of excise licences

5. In Article 31D of that Order (regulations) after paragraph (3) there shall be inserted the following paragraph—

''(3A) The requirement set out in sub-paragraph (*a*) of paragraph (3) shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity has effect with respect to the vehicle.''.

Certain offences not committed where EC certificate of conformity has effect

6. In Article 31E of that Order (offences, etc., relating to type approval)—

(*a*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) For the purposes of paragraph (1) a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle."; and

(*b*) after paragraph (5) there shall be inserted the following paragraph—

"(5A) For the purposes of paragraph (5) a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.".

Obligation to hold EC certificate of conformity for certain unregistered vehicles

7. After Article 31E of that Order there shall be inserted the following Articles—

"*Failure to hold EC certificate of conformity for unregistered light passenger vehicle*

31F.—(1) Subject to paragraphs (2) to (5), if a person uses on a road a light passenger vehicle—

(*a*) which has not been registered—

(i) under section 19 of the Vehicles (Excise) Act 1971, or

(ii) under the law of a member State other than the United Kingdom, and

(*b*) in respect of which no EC certificate of conformity has effect,

he shall be guilty of an offence under this Order.

(2) A person shall not be convicted of an offence under paragraph (1) in respect of the use of a vehicle if he proves—

(*a*) that the vehicle was one in respect of which the grant of a licence under the Vehicles (Excise) Act 1971 was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(*b*) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under section 19 of that Act was not prohibited by that regulation.

(3) This Article does not apply in relation to a vehicle in respect of which a Department's approval certificate issued under Article 31A(4) of this Order or a Minister's approval certificate issued under section 58(1) of the Road Traffic Act 1988 has effect.

(4) This Article does not apply to the use of a vehicle under a trade licence (within the meaning of the Vehicles (Excise) Act 1971) in accordance with regulations made under section 16(2) of that Act.

(5) This Article does not apply in relation to a vehicle brought temporarily into Northern Ireland by a person resident outside the United Kingdom.