1973. No. 408 [C]

ROAD TRAFFIC AND VEHICLES

Type Approval

REGULATIONS, DATED 1ST OCTOBER 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 2 OF THE EUROPEAN COMMUNITIES ACT 1972.

The Ministry of Home Affairs, as the designated Department under the European Communities (Designation) Order 1972(a), on behalf of the Secretary of State, in exercise of the powers vested in it by section 2 of the European Communities Act 1972(b) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

PART I—GENERAL

Citation and commencement

1. These regulations may be cited as the Motor Vehicles (Type Approval) (Northern Ireland) Regulations 1973 and shall come into operation on 1st October 1973.

Vehicles to which the Regulations apply

2. These Regulations apply in relation to every motor vehicle (other than a land tractor) which is manufactured on or after 1st July 1973, being a vehicle which—

(*a*) has four or more wheels; and

(*b*) is so constructed as to be capable of exceeding a speed of 25 kilometres per hour on the level under its own power,

and to every trailer which is manufactured on or after that date, being a trailer drawn by such a motor vehicle, and references in Parts II and III to a vehicle shall be construed accordingly.

In this Regulation, "land tractor" means a tractor which is designed primarily for work on the land in connection with agriculture or forestry and which is not designed primarily for use on a road (within the meaning of the Road Traffic Act (Northern Ireland) 1970(c)) for the conveyance of any goods or burden other than agricultural or woodland produce or articles required for the purposes of agriculture or forestry.

Interpretation

3.—(1) In these Regulations—

"information document"—

(i) in relation to a motor vehicle or to a component of such a vehicle means a document in the form set out in Part I of Schedule 1, and

(ii) in relation to a trailer or to a component of such a trailer, means a document in the form set out in Part II of that Schedule;

"type approval certificate", in relation to a vehicle or to a component of such a vehicle, means a document in the form set out in Part III of Schedule 1 to which there is attached an information document relating to that vehicle or, as the case may be, to that component;

(a) S.I. 1972, No. 1811 (1972, III, p. 5216).
(b) 1972. c. 68.
(c) 1970. c. 2 (N.I.).

"certificate of conformity", in relation to a vehicle, mean a document in the form set out in Part IV of Schedule 1;

"conform" means conform in all respects or with any permitted variation;

"the type approval requirements" means the requirements contained in the Community Directives, being requirements with respect to the design, construction, equipment and marking of vehicles or their components;

"the relevant aspects of design, construction, equipment and marking", in relation to a vehicle or to the component of a vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements;

"the Community Directives" means the Council Directives concerning the approximation of laws of member States for the purposes of the type approval of motor vehicles and trailers and their components in relation to the design, construction, equipment and marking of such vehicles and components, being the Directives mentioned in Schedule 2;

"member State" means any State which is a member of the European Economic Community;

"component", in relation to a vehicle, has the same meaning as the expression "motor vehicle part" as that expression is defined in section 63(4) of the Road Traffic Act 1972(**d**);

"vehicle component" has the meaning assigned to that expression in Regulation 4(1);

and references to the competent authority of any member State other than the United Kingdom are references to the authority in that State who has functions in relation to the type approval of vehicles and their components corresponding to those of the Department of the Environment under these Regulations.

(2) Any notice required under these Regulations to be given by or to any person shall be given in writing.

(3) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament of Northern Ireland.

PART II—TYPE APPROVAL OF VEHICLES AND THEIR COMPONENTS

Application for type approval

4.—(1) An application by or on behalf of a manufacturer for the approval of a vehicle as a type vehicle, or of the component of such a vehicle (hereafter refered to as "a vehicle component") as a type component, shall be made in writing to the Department of the Environment and shall be accompanied by an information document duly completed so as to furnish all the information required by the document (being such of that information as is applicable to a vehicle or, as the case may be, a vehicle component of the type in respect of which the application is made), together with such other documents as are mentioned in the said information document as being required in connection with the application.

(**d**) 1972. c. 20. (**e**) 1954. c. 33.

(2) Where in pursuance of this Regulation an application has been made to the Department of the Environment in respect of a vehicle or vehicle component of a particular type, then until that application is disposed of or, where an appeal is made under Regulation 13 in respect of the decision on that application, until that appeal has been disposed of, no similar application in respect of a vehicle or vehicle component of that type shall be made by or on behalf of the same manufacturer to the competent authority of any other member State.

Approval of type vehicles or type vhicle components

5.—(1) Where the Department of the Environment is satisfied on application made by or on behalf of the manufacturer of a vehicle or of a vehicle component and after examination of the vehicle, or, as the case may be, the vehicle component—

(*a*) that the vehicle or vehicle component is of a type which conforms—

(i) with the information given in relation to the vehicle or vehicle component in the information document which accompanied the application, and

(ii) with such of the type approval requirements as apply in relation to vehicles or vehicle components of that type; and

(*b*) that adequate arrangements have been made to secure that other vehicles or other vehicle components purporting to conform with that vehicle or, as the case may be, that component in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as are permitted by those requirements,

the Department of the Environment shall approve the vehicle as a type vehicle or, as the case may be, the vehicle component as a type vehicle component and shall issue a type approval certificate in respect of it.

(2) A type approval certificate may be issued in respect of a type vehicle where the Department of the Environment is satisfied that one or more, but not all, of the type approval requirements applicable to vehicles of that type are complied with in the case of that vehicle and a further type approval certificate may be issued by virtue of this paragraph on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references to a manufacturer shall be construed accordingly.

(3) Where the Department of the Environment on an application under Regulation 4 decides not to issue a type approval certificate in respect of a vehicle or vehicle component notice shall be given to the applicant of the decision stating the grounds on which it is based and informing the applicant of his right of appeal under Regulation 13 in respect of the decision and, within a period of one month from the date on which that notice is given shall give the like notice to the competent authority of every other member of State.

(4) Where the Department of the Environment issues a type approval certificate in pursuance of an application under Regulation 4 notice of that fact shall be given, within a period of one month from the date on which the certificate is issued, to the competent authority of every other member State and shall include with that notice a copy of the type approval certificate so issued.

Certificates of conformity to a type vehicle

6.—(1) Subject to paragraph (2), a manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each vehicle which is manufactured by him and which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate of conformity stating that the vehicle does so conform.

(2) Where a certificate of conformity is issued in consequence of any type approval certificate issued by virtue of Regulation 5(2), it shall relate only to the type approval requirement or requirements to which that type approval certificate relates.

Conditions of issue of type approval certificates and cancellation or suspension thereof for breach of condition

7.—(1) A type approval certificate may be issued subject to conditions with respect to—

(*a*) the inspection by officers of the Department of the Environment of samples of vehicles or vehicle components purporting to conform with the type vehicle or, as the case may be, the type vehicle component in the relevant aspects of design, construction, equipment and marking and of the parts and equipment of any vehicles, and of the parts of any vehicle components, selected for such inspection, and, for that purpose, the entry of premises where any such vehicles or vehicle components are manufactured; and

(*b*) the notification by the manufacturer of differences of design, construction, equipment or marking (other than such variations as are permitted by the type approval requirements) between any such vehicles and the type vehicle or between any such vehicle components and the type vehicle component which might affect those requirements.

(2) If it appears to the Secretary of State for the Environment that there has been a breach of a condition subject to which a type approval certificate has been issued or if he ceases to be satisfied as to any other matter relevant to a type approval certificate, he may, by notice under Regulation 12, cancel or suspend the certificate.

Notice by a manufacturer of cessation of, or alteration in, the manufacture of vehicles or vehicle components of an approved type, or of alterations in the relevant aspects of design etc.

8.—(1) Where a manufacturer of a type vehicle or a type vehicle component in respect of which a type approval certificate is in force—

(*a*) intends to cease the manufacture of that vehicle or vehicle component; or

(*b*) intends to make any alteration in that manufacture such that any of the particulars furnished in the relevant information document no longer apply in relation to the vehicle or, as the case may be, the vehicle component; or

(*c*) intends to make any alteration in any of the relevant aspects of design, construction, equipment or marking (being aspects in relation to which notice has been previously given to the manufacturer by the Department of the Environment that they are aspects to which this subparagraph applies),

the manufacturer shall, as soon as practicable after forming that intention, give notice of it to the Department of the Environment specifying the type vehicle or, as the case may be, the type vehicle component to which it relates and—

(i) in a case mentioned in sub-paragraph (*a*), the date when the manufacture of the vehicle or vehicle component in question is to cease, and

(ii) in a case mentioned in sub-paragraph (*b*) or (*c*), particulars of the alterations in question and of the date or dates on which they are to be made.

In this paragraph the reference to the relevant information document is a reference to the information document which, in accordance with Regulation 4(1), accompanied the application under that Regulation for the type approval certificate in question.

(2) In addition to the notice required under paragraph (1) the manufacturer concerned shall, not later than fourteen days after the date on which he has ceased the manufacture of the vehicle or vehicle component in question or, as the case may be, after he has made any alterations such as are mentioned in sub-paragraph (*b*) or (*c*) of paragraph (1), give notice of that fact to the Department of the Environment specifying—

(i) the date (whether or not it is the same date specified in the notice under paragraph (1)) on which the manufacture ceased or, as the case may be, the alterations were made, and

(ii) where the notice under paragraph (1) related to a type vehicle, the frame or chassis number assigned to the vehicle of that type which was last manufactured before that date.

(3) A copy of any notice given by or to a manufacturer under paragraph (1) or by a manufacturer under paragraph (2) shall, within a period of one month from the date on which it is given, be sent by the Department of the Environment to the competent authority of every other member State.

Cancellation, suspension or modification of a type approval certificate where notice is given under Regulation 8

9.—(1) Where a notice given by a manufacturer under Regulation 8(1) or (2) is a notice that he intends to cease or, as the case may be, has ceased, the manufacture of a vehicle or a vehicle component of the type referred to in the notice, the Department of the Environment may cancel the type approval certificate in force in respect of the type vehicle or, as the case may be, the type vehicle component to which the said notice relates.

(2) Where a notice given by a manufacturer under Regulation 8(1) or (2) is a notice that he intends to make or, as the case may be, that he has made alterations such as are mentioned in Regulation 8(1)(*b*) or (*c*) the Department of the Environment, if satisfied that the alterations specified in the notice are such as to necessitate doing so, may, by notice under Regulation 12—

(*a*) cancel or suspend the type approval certificate in force in respect of the vehicle or vehicle component to which the notice relates; or

(*b*) cancel the said type approval certificate and substitute for it, without further application by the manufacturer, a new type approval certificate in respect of the same type vehicle or, as the case may be, the same type vehicle component; or

(*c*) modify the said type approval certificate.