

**2011 No. 1946**

**ROAD TRAFFIC**

**The Road Vehicles (Approval) (Amendment) Regulations 2011**

*Made* - - - - *2nd August 2011*

*Laid before Parliament* *5th August 2011*

*Coming into force* - - *1st September 2011*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State for Transport is a Minister designated(b) for the purposes of section 2(2) of that Act for the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Road Vehicles (Approval) (Amendment) Regulations 2011 and come into force on 1st September 2011.

(2) These Regulations extend to Northern Ireland.

**Amendment of Regulations**

2.—(1) The Road Vehicles (Approval) Regulations 2009(c) are amended as follows.

(2) In regulation 3 (interpretation: general) in paragraph (1), in the definition of “Framework Directive”, after “such vehicles” insert “, as amended by Commission Directive 2010/19/EU(d)”.

(3) In Schedule 2 (interpretation of requirements in regulatory acts) in paragraph 1(a), for “29th April 2009” substitute “1st September 2011”.

(4) After regulation 5 (scope of the Regulations), insert—

**“Duty to Review these Regulations**

5A.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

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(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1), and by the European Union (Amendment) Act 2008 (c.7), section 3(3) and Part 1 of the schedule.

(b) S.I. 1972/1811.

(c) S.I. 2009/717.

(d) OJ No L72, 30.3.2010, p.17.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Framework Directive is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) “Review period” means—

- (a) the period of five years beginning with 1st September 2011, and
- (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.”

Signed by authority of the Secretary of State for Transport

*Norman Baker*  
Parliamentary Under Secretary of State  
Department for Transport

2nd August 2011

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Road Vehicles (Approval) Regulations 2009 (S.I. 2009/717) (“the 2009 Regulations”) in order to transpose Commission Directive 2010/19/EU of 9th March 2010 (OJ No L72, 30.3.2010, p.17) (“Directive 2010/19/EU”) amending, for the purposes of adaption to technical progress in the field of spray-suppression systems of certain categories of motor vehicles and their trailers, Council Directive 91/226/EEC (OJ No L103, 23.4.1991, p.5) and Directive 2007/46/EC of the European Parliament and of the Council (OJ No L263, 9.10.2007, p.1).

*Regulation 2(2)* amends the definition of “Framework Directive” (Directive 2007/46/EC) to include the changes brought about by Directive 2010/19/EU. These comprise changes to the categories of vehicle to which spray-suppression and mudguard requirements apply.

*Regulation 2(3)* updates the date mentioned in paragraph 1(a) of Schedule 2 to the 2009 Regulations. When a type approval is granted on behalf of the Secretary of State under regulation 13 of the 2009 Regulations, the relevant regulatory acts that a vehicle must comply with are those listed in Annexes IV and XI of Directive 2007/46/EC. Only the base acts (in this case, Council Directive 91/226/EEC) are listed in these Annexes, whilst amendments to them take effect in the United Kingdom by virtue of paragraph 1(a) of Schedule 2 and are taken into account as at the date in question. That date is now the date on which these Regulations come into force.

*Regulation 2(4)* inserts a requirement into the 2009 Regulations for the Secretary of State to review those Regulations and to publish a report within five years after these Regulations come into force, and within every five years thereafter. Following a review it will fall to the Secretary of State to consider whether the 2009 Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend the 2009 Regulations.

An impact assessment has not been prepared for this instrument as it has no impact on the costs of business or the voluntary sector.

This Explanatory Note incorporates the Transposition Note in respect of Directive 2010/19/EU which would otherwise have been provided separately.

An Explanatory Memorandum for these Regulations is available alongside this instrument on the website [www.legislation.gov.uk](http://www.legislation.gov.uk).

Directive 2010/19/EU may be viewed on the Eur-lex website ([www.eur-lex.europa.eu/en/index.htm](http://www.eur-lex.europa.eu/en/index.htm)).

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STATUTORY INSTRUMENTS

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