

2011 No. 1279

ROAD TRAFFIC

**The Tractor etc (EC Type-Approval) (Amendment) Regulations
2011**

<i>Made</i> - - - -	<i>16th May 2011</i>
<i>Laid before Parliament</i>	<i>20th May 2011</i>
<i>Coming into force</i> - -	<i>20th June 2011</i>

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 is a Minister designated(b) for the purposes of section 2(2) of that Act 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.

Citation and commencement

1. These Regulations may be cited as the Tractor etc (EC Type-Approval) (Amendment) Regulations 2011 and come into force on 20th June 2011.

Amendment of Regulations

2. The Tractor etc (EC Type-Approval) Regulations 2005(c) are amended as follows.

Interpretation

3. In regulation 2(1)—

- (a) In the definition of “separate directive”, for “the Motor Cycles Etc. and Tractors Etc. (EC Type Approval) (Amendment) Regulations 2010” substitute “the Tractor etc (EC Type-Approval) (Amendment) Regulations 2011”.
- (b) In the definition of “the Tractor Type Approval Directive”, for “the Tractor etc (EC Type-Approval) (Amendment) Regulations 2008” substitute “the Tractor etc (EC Type-Approval) (Amendment) Regulations 2011”.

Duty to Review

4. After regulation 14, add—

(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a).
(b) S.I. 1972/1811; to which there are amendments not relevant to these Regulations.
(c) S.I. 2005/390; relevant amending instruments are S.I. 2008/1980, 2009/3266 and 2010/1114.

“Duty to Review these Regulations

15.—(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.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Tractor Type Approval Directive and the separate directive are 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 the day on which the Tractor etc (EC Type-Approval) (Amendment) Regulations 2011 come into force, and
- (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is laid before Parliament 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 laid.”

Signed by authority of the Secretary of State

16th May 2011

Mike Penning
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Tractor etc (EC Type-Approval) Regulations 2005 (“2005 Regulations”). The 2005 Regulations transposes the Tractor Type Approval Framework Directive, the technical requirements of which have been amended to keep up with technological developments. These Regulations transpose the following European Directives—

- (a) Commission Directive 2010/22/EU of 15 March 2010 amending, for the purposes of their adaption to technical progress, Council Directives 80/720/EEC, 86/298/EEC, 86/415/EEC and 87/402/EEC and Directives 2000/25/EC and 2003/37/EC of the European Parliament and of the Council relating to the type-approval of agricultural or forestry tractors (O.J. L 91, 10.4.2010, p.1);
- (b) Commission Directive 2010/52/EU of 11 August 2010 amending, for the purposes of adaption of their technical provisions, Council Directive 76/763/EEC relating to passenger seats for wheeled agricultural or forestry tractors and Directive 2009/144/EC of the European Parliament and of the Council on certain components and characteristics of wheeled agricultural or forestry tractors (O.J. L 213, 13.8.2010, p.37); and
- (c) Commission Directive 2010/62/EU of 8 September 2010 amending, for the purpose of adapting their technical provisions, Council Directives 80/720/EEC and 86/297/EEC and Directives 2003/37/EC, 2009/60/EC and 2009/144/EC of the European Parliament and of the Council relating to the type-approval of agricultural or forestry tractors (O.J. L 238, 9.9.2010, p. 7).

Regulation 3 amends the definitions of “the Tractor Type Approval Directive” and the “separate directive” to include all amendments to the Directives that fall under those definitions up to the date that these Regulations come into force.

Regulation 4 inserts a requirement into the 2005 Regulations for the Secretary of State to review those Regulations and 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 2005 Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend the 2005 Regulations.

A full 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 Directives 2010/22/EU, 2010/52/EU and 2010/62/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.

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STATUTORY INSTRUMENTS

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