



STATUTORY INSTRUMENTS.

S.I. No. 614 of 2015

EUROPEAN UNION (TWO OR THREE WHEEL MOTOR VEHICLES
AND QUADRICYCLES TYPE-APPROVAL) REGULATIONS 2015

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I, PASCHAL DONOHOE, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Regulation (EU) No. 168/2013 of the European Parliament and of the Council of 15 January 2013¹ (as supplemented and amended by Commission Delegated Regulation (EU) No. 134/2014 of 16 December 2013²), in so far as those Regulations of the European Union relate to the sale, entry into service and the type approval of two or three wheel motor vehicles and quadricycles, hereby make the following regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the European Union (Two or Three Wheel Motor Vehicles and Quadricycles Type-Approval) Regulations 2015.

(2) These Regulations come into operation on 1 January 2016.

Interpretation

2. (1) In these Regulations:

“Framework Regulation” means Regulation (EU) No. 168/2013 of the European Parliament and of the Council of 15 January 2013¹ (as supplemented by Commission Delegated Regulation (EU) No. 134/2014 of 16 December 2013² with regard to environmental and propulsion unit performance requirements and amending Annex V thereof) on the approval and market surveillance of two and three wheel vehicles and quadricycles;

“registration” means registration of a vehicle under section 131 of the Finance Act 1992 (No. 9 of 1992) and “registered” is to be construed accordingly;

“RSA” means the Road Safety Authority established by section 3 of the Road Safety Authority Act 2006 (No. 14 of 2006);

“Revenue Commissioners” means an authorised officer of the Revenue Commissioners as defined under section 159 of the Finance Act 1997 (No. 22 of 1997);

“VIN” means vehicle identification number which is the alphanumeric code assigned to a vehicle by the manufacturer in order to ensure proper identification of every vehicle.

¹OJ No. L60, 02.03.2013, p.52

²OJ No. L53, 21.02.2014, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th January, 2016.*

(2) A term, word or expression that is used in these Regulations and which is also used in the Framework Regulation has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Framework Regulation.

Scope

3. (1) These Regulations apply to the vehicles listed in Article 2(1) of the Framework Regulation.

(2) These Regulations do not apply to—

- (a) the vehicles listed in Article 2(2) of the Framework Regulation, or
- (b) individual vehicles, being a vehicle which is one of a kind by virtue of having been built by or specifically for the owner, to a plan which is the property of the owner.

(3) These Regulations shall be without prejudice to the validity for the remainder of its term of any type approval issued by the Approval Authority referred to in Regulation 4, or by any approval authority of another Member State, relating to matters to which these Regulations or the Framework Regulation apply, provided it was issued prior to the commencement of these Regulations and remained in force immediately before such commencement.

Approval Authority

4. (1) For the purpose of Article 6(1) of the Framework Regulation, the National Standards Authority of Ireland established by section 6 of the National Standards Authority of Ireland Act 1996 (No. 28 of 1996) is appointed as the approval authority for Ireland and, in these Regulations, “Approval Authority” shall be construed accordingly.

(2) The Approval Authority shall perform the functions and have the powers and responsibilities conferred upon it by these Regulations and the Framework Regulation.

5. (1) Notwithstanding Article 77 of the Framework Regulation and subject to paragraph (2), the manufacturer of a new vehicle, to which these Regulations apply and for which a declaration for registration is to be made to the Revenue Commissioners, shall issue a certificate of conformity for the vehicle, in accordance with Article 38 of the Framework Regulation.

(2) A manufacturer shall not issue a certificate of conformity for a vehicle unless—

- (a) the approval authority of a Member State of the European Union has completed a type-approval certificate for the type of vehicle concerned,
- (b) the type-approval is still valid, and

- (c) the vehicle has been manufactured in conformity with the approved vehicle type.

Sale

6. (1) A person shall not supply or offer for sale a new vehicle to which these Regulations apply, for which a declaration for registration is to be made to the Revenue Commissioners, unless the vehicle—

- (a) is accompanied by a certificate of conformity,
- (b) is an end-of-series vehicle which has been granted an exemption under Regulation 7,

or

- (c) is an exempt vehicle as per Regulation 3(2).

(2) A person who contravenes paragraph (1) is guilty of an offence.

End-of-Series Vehicles

7. (1) The RSA may, upon the application of a manufacturer or distributor in respect of an end-of-series vehicle, grant an exemption pursuant to Article 44 of the Framework Regulation whereby the certificate of conformity that is issued for the relevant vehicle is acceptable for the purpose of making a declaration for registration. Subject to compliance with all other requirements for the registration of vehicles and their entry into service, such a vehicle may then be registered and enter into service.

(2) An application for an exemption under this regulation must be made in writing to the RSA by the manufacturer or the distributor of the vehicle and contain—

- (a) details of either or both the technical reasons and the economic reasons for the making of the application,
- (b) details of the vehicle type to which the application relates, and
- (c) the VIN of the vehicle for which the exemption is sought.

(3) An application for an exemption under this regulation submitted in accordance with the requirements of paragraph (2) and containing the details and information therein required shall, in addition, be accompanied by the certificate of type-approval which is no longer valid.

(4) The RSA may request an applicant for an exemption under this regulation to submit such other information or documents as the RSA may require to consider the application and the applicant shall comply with any such request.

Enforcement, offences and prosecution

8. (1) A person commits an offence if he or she:

- (a) in respect of any approval procedure or any procedure leading to a recall to which these Regulations or the Framework Regulation applies:
 - (i) makes a statement or a declaration which that person knows to be false or recklessly makes a statement or a declaration which is false;
 - (ii) produces, provides, sends or otherwise makes use of a document which that person knows to be false or recklessly produces, provides or sends or otherwise makes use of a document which is false;
 - (b) falsifies test results to be submitted as part of an application for type-approval or in-service conformity;
 - (c) withholds from the Approval Authority data or technical specifications that could lead to the recall, refusal or withdrawal of a type approval;
 - (d) refuses to allow the Approval Authority access to information, being access to information that the Approval Authority requires for the purposes of these Regulations;
 - (e) makes available on the market vehicles, systems, components or separate technical units subject to approval without such approval, or falsifies documents or markings with the intention of making such vehicles, systems, components or separate technical units so available; or
 - (f) makes use of any defeat device, being a device provided for in Article 19 of the Framework Regulation that reduces the effectiveness of safety, electromagnetic compatibility, the on-board diagnostics system, sound abatement or pollutant emission abatement systems, provided that an element of design shall not be considered a defeat device for the purpose of this regulation if any of the three conditions prescribed in indents (a) to (c) of Article 19 of the Framework Regulation is met.
- (2) (a) An offence under these Regulations may be prosecuted summarily or on indictment.
- (b) A person who commits an offence under these Regulations is liable—
- (i) on summary conviction, to a Class A fine or to imprisonment for a term not exceeding 6 months or both, or
 - (ii) on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 12 months or both.

- (3) (a) Where an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (b) Where the affairs of a body corporate are managed by its members, subparagraph (a) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.
- (4) A summary offence under these Regulations may be prosecuted by the RSA or the Approval Authority.

Revocations

9. The following are revoked—

- (a) The European Communities (Two and Three Wheel Motor Vehicle Entry into Service) Regulations 2005 (S.I. No. 412 of 2005),
- (b) the European Communities (Motor Vehicles Type Approval) Regulations 2009 (S.I. No. 127 of 2009),
- (c) the European Communities (Motor Vehicles Type Approval) (Amendment) Regulations 2010 (S.I. No. 171 of 2010),
- (d) the European Communities (Motor Vehicles Type Approval) (Amendment) Regulations 2011 (S.I. No. 421 of 2011),
- (e) the European Communities (Two and Three Wheel Motor Vehicle Entry into Service) (Amendment) Regulations 2013 (S.I. No. 474 of 2013),
- (f) the European Communities (Motor Vehicles Type Approval) (Amendment) Regulations 2014 (S.I. No. 219 of 2014), and
- (g) the European Communities (Two and Three Wheel Motor Vehicle Entry into Service) (Amendment) Regulations 2014 (S.I. No. 220 of 2014).



GIVEN under my Official Seal,
22 December 2015.

PASCHAL DONOHOE,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give further effect to Regulation (EU) No. 168/2013¹ and its delegated and implementing acts, in so far as they relate to the type approval, sale and entry into service of L category vehicles (mopeds, scooters, motorcycles, tricycles, and quadricycles), including the components, systems and separate technical units designed and constructed for such vehicles.

Essentially, no relevant vehicle may be sold, registered or enter into service unless it is the subject of a certificate of conformity granted by the Approval Authority for the State (the National Standards Authority of Ireland) or by an approval authority of another Member State. Similar controls are placed on the sale and entry into service of relevant vehicle components, systems and separate technical units.

Special provision is made for vehicles that have reached an end of series. These Regulations create certain criminal offences for penalising certain breaches of their terms, as required by Article 76 of Regulation (EU) No. 168/2013¹.

Finally, a number of statutory instruments that transposed previous EC legislative acts in this area are revoked with effect from 1 January 2016.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.05



Wt. (B31681). 285. 12/15. Essentra. Gr 30-15.