

**2010 No. 1094**

**ENVIRONMENTAL PROTECTION**

**The End-of-Life Vehicles (Amendment) Regulations 2010**

*Made* - - - - *29th March 2010*

*Laid before Parliament* *31st March 2010*

*Coming into force in accordance with Regulation 1(2) and (3)*

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in respect of matters relating to the prevention of waste from vehicles and forms of recovery of end-of-life vehicles and their components.

These Regulations make provision for a purpose mentioned in section 2(2) and it appears to the Secretary of State that it is expedient for the reference to Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles(c) inserted by these Regulations into regulation 6 of the End-of-Life Vehicles Regulations 2003(d) to be construed as a reference to that Annex as amended from time to time.

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act (as read with paragraph 1A of Schedule 2 to that Act), makes the following Regulations.

**Citation and commencement**

1.—(1) These Regulations may be cited as the End-of-Life Vehicles (Amendment) Regulations 2010.

(2) Subject to paragraph (3), these Regulations shall come into force on 1st July 2010.

(3) Regulation 2(2)(c) shall come into force on 1st December 2010.

**Amendments to the End-of-Life Vehicles Regulations 2003**

2.—(1) The End-of-Life Vehicles Regulations 2003 are amended as follows.

(2) In regulation 2—

(a) for the definition “an EEA State” substitute—

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(a) S.I. 2001/3495.

(b) 1972 c.68, as amended by numerous subsequent Acts; however, the only amendments relevant for the purposes of these Regulations are those introduced by Part 3 of the Legislative and Regulatory Reform Act 2006 (c.51). Under section 57 of the Scotland Act 1998 (c.46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland.

(c) OJ No L269, 21.10.2000, p. 42 as amended by Commission Decision 2008/689/EC (OJ No L225, 23.08.2008, p.10).

(d) S.I. 2003/2635.

““an EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978(a);”.

(b) there shall be inserted in the appropriate place—

““enforcement authority” means any person mentioned in regulation 25;

“enforcement officer”, in relation to an enforcement authority, means a person authorised in writing to assist the authority in carrying out its functions under or for the purposes of the enforcement of these Regulations, except in relation to an enforcement authority which is a government department where it means an officer of that department;”.

(c) for the definition “hazardous substance” substitute—

““hazardous substance” means any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16th December 2008 on classification, labelling and packaging of substances and mixtures(b)—

(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(c) hazard class 4.1; and

(d) hazard class 5.1;”.

(3) For regulation 6, substitute—

“6. A person who puts on the market materials and components of vehicles shall ensure that they do not contain lead, mercury, cadmium or hexavalent chromium except in the cases listed in Annex II to the Directive, as that Annex is amended from time to time(c).”.

(4) For regulation 7, substitute—

“7. A person who puts on the market materials and components of vehicles shall at the request of an enforcement authority submit technical documents or other information showing that those materials and components comply with the requirements of regulation 6.”.

(5) For regulation 8, substitute—

“8. A person who puts on the market materials and components of vehicles shall ensure that they keep the information necessary for them to submit to the enforcement authority the documents referred to in regulation 7 for a period of 4 years from the date that they put the materials and components on the market.”.

(6) In regulation 9(1), for “producer” substitute “person suspected of the non-compliance”.

(7) In regulation 9(2), for “producer” substitute “person” wherever that word appears.

(8) After regulation 22, the following shall be inserted—

### “Entry and Inspection

**22A.**—(1) For the purposes of carrying out their functions under these Regulations, an enforcement officer may exercise the following powers of entry and inspection.

(2) Subject to the production if so requested of their credentials, an enforcement officer may—

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(a) 1978 c.30, as amended by section 26 of the Legislative and Regulatory Reform Act 2006 (c.51).

(b) OJ No L353, 31.12.2008, p. 1.

(c) Annex II to this Directive (OJ No L269, 21.10.2000, p. 42) has been amended on a number of occasions and is expected to continue to be amended from time to time. The version of this Annex in force as at the making of these Regulations can be found at OJ No L225, 23.8.2008, p. 10 (Commission Decision 2008/689/EC).

- (a) enter at any reasonable time any premises except for a private dwelling which that officer considers necessary to enter;
- (b) make such examination and investigation as may in the circumstances be necessary;
- (c) take such measurements and photographs and make such recordings as are considered necessary for the purpose of an examination or investigation under sub-paragraph (b);
- (d) take samples, or cause samples to be taken, of any materials and components of vehicles found in or on any premises which the enforcement officer has power to enter;
- (e) require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records—
  - (i) which are required to be kept under these Regulations, or
  - (ii) which it is necessary to see for the purposes of an examination or investigation under sub-paragraph (b),
 and inspect and take copies of, or any entry in, the records; and
- (f) require any person on the premises to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the enforcement officer to exercise any of the powers conferred on them by these Regulations.”.

(9) For regulation 23, substitute—

“**23.**—(1) A producer who fails to comply with any of the requirements of the following regulations—

- (a) regulation 16;
- (b) regulation 18; and
- (c) regulation 20

shall be guilty of an offence.

(2) A person shall be guilty of an offence if they—

- (a) without reasonable cause, fail to comply with a requirement imposed under regulation 22A;
- (b) without reasonable cause, obstruct an enforcement officer in the exercise of powers in regulation 22A.”.

(10) In regulation 24, for “producer” substitute “person”.

(11) For regulation 25, substitute—

“**25.** The Secretary of State shall be under a duty to enforce Parts III and IV of these Regulations and in carrying out those duties may appoint any person to act on behalf of the Secretary of State.”.

(12) In regulation 26, for the words “Part III and IV” substitute “Part III or regulation 23(1)”.

(13) Regulation 35 shall be omitted.

(14) Schedule 1 shall be omitted.

29th March 2010

*Ian Lucas*  
Minister for Business and Regulatory Reform  
Department for Business, Innovation and Skills

## EXPLANATORY NOTE

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

These Regulations amend the End-of-Life Vehicles Regulations 2003 (S.I.2003/2635) (“the 2003 Regulations”). The 2003 Regulations partially implement Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (OJ No L 269, 21.10.2000, p. 34) (“the ELV Directive”).

Regulation 2(2)(a) amends the definition of EEA state. The new definition refers to the definition of “EEA State” inserted into the Interpretation Act 1978 by the Legislative and Regulatory Reform Act 2006; this includes all Community member States.

Regulation 2(2)(b) inserts definitions of “enforcement authority” and “enforcement officer”.

Regulation 2(2)(c) transposes Article 4 of Directive 2008/112/EC of the European Parliament and of the Council of 16th December 2008 (OJ No L 345, 23.12.2008, p. 68) which amends the ELV Directive in order to adapt it to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16th December 2008 on classification, labelling and packaging of substances and mixtures (OJ No L 353, 31.12.2008, p. 1).

Regulation 2(3) substitutes a new regulation 6 which provides that a person who puts on the market materials and components of vehicles shall ensure that they do not contain lead, mercury, cadmium or hexavalent chromium except in the cases listed in Annex II to the ELV Directive, as that Annex is amended from time to time. Regulations 2(4)-(7) make necessary consequential amendments.

Regulation 2(8) inserts a new regulation 22A which gives an enforcement authority powers of entry and inspection.

Regulation 2(13) and (14) omit regulation 35 and Schedule 1 of the 2003 Regulations respectively.

An Impact Assessment (“IA”) in respect of these Regulations is available. As these Regulations transpose provisions of European Union law a transposition note (“TN”) has been prepared. Copies of the IA and TN can be obtained from the Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET. Copies of these documents have been placed in the libraries of both Houses of Parliament and are also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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