

Burden of proof

2014 saw EC Whole Vehicle Type Approval come into full force but misunderstandings remain about what it means and how it affects transport operators. Andrew Woolfall explains

All commercial vehicles – whether goods or passenger carrying, and including trailers – must undergo some form of type approval before they can be first registered and put into use on public roads. Type approval confirms that the vehicle has been constructed in a safe manner, using components that meet minimum criteria, and that aspects such as brake systems and vehicle lighting meet approval criteria. It should not be confused with the vehicle's annual test, which looks at issues of roadworthiness and ongoing safety.

That said, there are three available type approval processes. First, for bespoke vehicles that are effectively one-offs or made in very small numbers, there is the Individual Vehicle Approval (IVA) scheme. This requires each vehicle to be tested before being put into service. DVSA (Driver and Vehicle Standards Agency) staff conduct the vehicle examination. However, vehicles

receiving approval through this method can only be sold within Great Britain. If the vehicle is subsequently exported, it may need additional local approval.

The second route is the National Small Series Type Approval (NSSTA) scheme. This is aimed at low volume vehicle manufacturers producing fewer than 500 each year. Here, the manufacturer submits a prototype vehicle to the Vehicle Certification Agency (VCA) and, if it passes relevant tests, an inspection is conducted of the manufacturing facility to further satisfy the authorities that all subsequent vehicles will be manufactured in consistent manner. If NSSTA approval is granted, all subsequent, identical vehicles do not require testing because the manufacturer effectively self-certifies that following vehicles meet type approval for registration.

Again, however, vehicles with NSSTA approval can only be sold and registered within Great Britain.

The third and main route is EC

Whole Vehicle Type Approval (ECWVTA). This operates in a similar way to the NSSTA scheme, but is aimed both at large manufacturers, producing substantial numbers of vehicles every year, and at those wanting to sell and register their vehicles across the European Community.

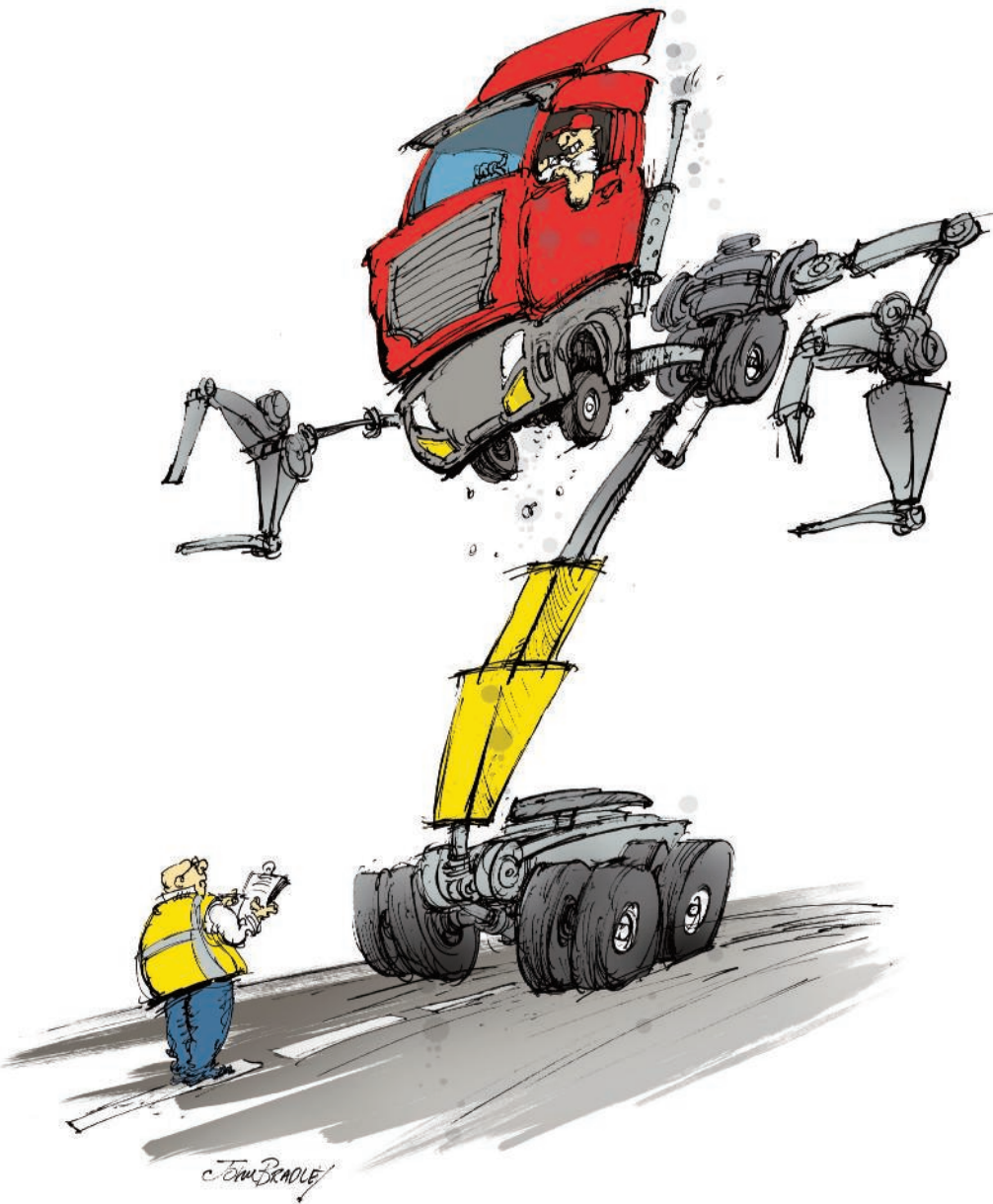
Again, for each model of vehicle produced a specimen vehicle is submitted to the VCA, which checks that it has been manufactured in accordance with minimum safety requirements. If approved, the manufacturing facility is then audited to ensure consistent production. Once ECWVTA has been granted, the vehicle manufacturer then self-certifies that all subsequent vehicles meet the same standard – so there is no individual examination prior to registration.

MULTIPLE INPUT

The EC scheme also recognises that many vehicles involve several companies in manufacturing. One company may produce the chassis and cab, while another – for example a bodybuilder – may produce a tipper body or coachwork. Here, each manufacturer can obtain type approval for its part in the process. However, each stage must be approved and all approvals must be presented together when the vehicle is first registered.

Type approval can cause problems not only for manufacturers but also for operators. Achieving ECWVTA and NSSTA certification can be expensive for manufacturers. Once authorisation has been granted, all vehicles (subject to a very limited number of potential modifications) must be constructed in exactly the same way. Any changes beyond the scope of the original type approval require a new type approval. It is a criminal offence for manufacturers to certify vehicles as meeting type approval when they have not been built in

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approval require the vehicle to be re-inspected. Examples might include substantial changes to the braking system, suspension or the position and type of lights. Again, the vehicle would have to be re-inspected under the IVA scheme. Failure to do so leads to criminal offences for the operator and even the driver. While currently the maximum penalty for such offences is a fine of £2,500, proposals are in place to increase this to £25,000 later in the year.

NIGHTMARE SCENARIO

Clearly, the new rules on type approval affect vehicle manufacturers and bodybuilders more than operators. They now have to seek type approval before a vehicle is first registered and, where ECWVTA is the route chosen, it involves a considerable administrative, as well as technical, burden. Operators should, however, be wary of buying vehicles where the dealer or manufacturer puts the responsibility for first registration on them. To secure the first registration, all necessary type approval documents will have to be produced. While manufacturers and dealers will by now be used to this process, for the uninitiated this could prove a nightmare.

Operators should also expect manufacturers and dealers to be less amenable to modifying vehicles prior to registration. Why? Simply because changes that may appear only minor to operators may well invalidate type approval. If the purchaser wants changes to be made, he or she can expect the vehicle to require extra approval under the IVA scheme at an additional cost. And, remember, any material changes post first registration will also require a resubmission of the vehicle for approval. [IE](#)

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accordance with the approved design and process. Further offences exist for registering vehicles that do not meet type approval – and also for operators using such vehicles on the road.

So, unless an operator wanting to procure a slightly bespoke vehicle is prepared to have it approved through the IVA scheme, the scope for modifications prior to first registration is limited. As a result, we may well now see more ‘standard’ vehicles in service, with manufacturers and bodybuilders less amenable to making alterations to items such as vehicle lights or bodywork.

If an operator does want to commission a bespoke vehicle, or make changes to a standard vehicle – for example, for a particularly demanding project requiring a specialist body – the

IVA scheme does allow this. However, each such vehicle must be individually inspected before it can be registered. A vehicle manufacturer or bodybuilder will not be able to self-certify that subsequent vehicles meet the minimum criteria. Clearly, additional testing will add to the cost and potentially also the lead time in getting it on the road. Both the IVA and NSSTA schemes also mean that as the vehicle cannot easily be sold abroad, its resale value may be reduced.

And it doesn’t stop there. Once a vehicle has been type approved (via any of the three schemes), registered and put into use, operators have to be careful not to modify it so that it no longer complies. Any modifications made to vehicle parts subject to type