
STATUTORY INSTRUMENTS

2002 No. 1891

ENVIRONMENTAL PROTECTION

The Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) Regulations 2002

<i>Made</i>	- - - -	<i>17th July 2002</i>
<i>Laid before Parliament</i>		<i>22nd July 2002</i>
<i>Coming into force</i>	- -	<i>12th August 2002</i>

The Secretary of State for Transport, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the reduction of emissions of pollutants from internal combustion engines, in exercise of the powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) Regulations 2002 and shall come into force on 12th August 2002.

Interpretation

2. In these Regulations—

“the 1988 Regulations” means the Agricultural or Forestry Tractors and Tractor Components (Type Approval) Regulations 1988⁽³⁾;

“agricultural or forestry tractor” means any motor vehicle, fitted with wheels on at least two axles or with caterpillar tracks, where the main function of the vehicle lies in its tractive power and it is specifically designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use;

“calendar year” means a period of 12 months expiring on 31st December;

“category” means, in relation to an engine, the category specified in column (1) of Table 1 in Schedule 1 to which the engine belongs by virtue of its engine power output and relevant date;

“Council Directive 97/68/EC” means Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of Member States

(1) S.I.1998/745.

(2) 1972 c. 68.

(3) S.I. 1988/1567; relevant amending instruments are S.I. 1989/2275, 1990/2336, 1992/80, 2000/28 and 2001/1710.

relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery⁽⁴⁾;

“Council Directive 2000/25/EC” means Directive 2000/25/EC of the European Parliament and the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors⁽⁵⁾;

“EC type approval certificate” means a type approval certificate issued by the Minister under regulation 5 of the 1988 Regulations;

“end of series engine” means a tractor engine, whether or not installed in a tractor, which—

- (a) has not been entered into service for the first time;
- (b) is stored within the territory of any member State; and
- (c) either—
 - (i) was manufactured to conform with an EC type approval certificate granted on the basis of compliance with EC type approval requirements which did not include the requirements which are currently in force in accordance with Council Directive 2000/25/EC, or
 - (ii) was not manufactured to comply with any EC type approval certificate;

“enforcement authority” means—

- (a) in Great Britain, the Secretary of State, and in carrying out that duty he may act through the Vehicle Certification Agency, an Executive Agency of the Department for Transport, Local Government and the Regions, and
- (b) in Northern Ireland, the Secretary of State or any District Council;

“engine power output” means net power as defined in section 2.4 of Annex I of Council Directive 97/68/EC;

“exempted engine” means an end of series engine designated in accordance with regulation 5;

“limit values” means, in relation to a category of engine, the permitted amounts of carbon monoxide, hydrocarbons, oxides of nitrogen and particulates specified for that category of engine in Table 2 in Schedule 1 determined in accordance with the provisions of Annex III of Council Directive 97/68/EC;

“production date” means, in relation to a relevant engine, its date of manufacture;

“relevant date” means, in relation to a relevant engine, the date specified for the relevant category of engine in column (3) of Table 1 in Schedule 1;

“relevant engine” means a tractor engine to which these Regulations apply by virtue of regulation 3;

“replacement engine” means an engine of a kind referred to in regulation 3(ii);

“tractor engine” means any internal combustion engine operating on the compression ignition principle which is intended to power an agricultural or forestry tractor.

Application of Regulations

3. These Regulations apply to every tractor engine (whether or not for the time being installed in a tractor) which falls within a category specified in column (1) of Table 1 in Schedule 1 and which is not—

- (i) an engine which is installed or intended to be installed in an agricultural or forestry tractor for export to a state which is not a member State;

(4) OJNo. L59, 27.2.98, p.1.

(5) OJ No. L173, 12.7.2000, p.1.

- (ii) an engine which was manufactured to replace an existing engine in any agricultural or forestry tractor that has been entered into service; or
- (iii) an exempted engine.

Prohibition on entering engines into service

4. No person shall enter into service for the first time on or after the relevant date any relevant engine unless the engine complies with the limit values for the category to which it belongs.

Designation of exempted engines

5. (1) Subject to the following paragraphs, the Secretary of State may, on the application of the manufacturer of an end of series engine, designate that engine as an exempted engine.

(2) The manufacturer shall before the relevant date submit an application to the Secretary of State which specifies—

- (a) the engines to which the application relates,
- (b) any relevant technical or economic issues, and
- (c) the total number of tractor engines placed on the market by that manufacturer during the period of 12 months expiring on the previous calendar year.

(3) The Secretary of State shall not designate an engine for the purposes of this regulation if—

- (b) a period of 12 months has elapsed since the relevant date for that engine; or
- (c) the number of engines so designated by him during the current calendar year exceeds, or would exceed, 10 per cent. of the number of tractor engines placed on the market by the manufacturer making the application during the immediately preceding calendar year.

(4) The Secretary of State shall, within one month of designating an engine for the purposes of the regulation, send to the competent authorities of the other member States particulars of, and reasons for, the exemption granted to the manufacturer.

(5) The Secretary of State shall at the end of each calendar year, send to the European Commission a list of designations made under this regulation during the year, specifying the technical or economic reasons on which each designation is based.

Enforcement and offences

6. (1) Subject to paragraph (4), it shall be the duty of every enforcement authority to enforce these Regulations within its area.

(2) Proceedings for an offence under these Regulations shall be instituted—

- (a) in England and Wales, by an enforcement authority;
- (b) in Northern Ireland, by or on behalf of the enforcement authority or the Director of Public Prosecutions for Northern Ireland.

(3) Nothing in these Regulations shall authorise an enforcement authority in Scotland to bring proceedings in Scotland for an offence.

(4) Schedule 2 shall have effect with regard to offences, enforcement and other matters.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Transport

17th July 2002

David Jamieson
Parliamentary Under-Secretary of State,
Department for Transport

SCHEDULE 1

Regulation 2

TABLE 1
CATEGORIES OF ENGINE AND RELEVANT DATES

<i>(1)</i> Category	<i>(2)</i> Engine power output (P)	<i>(3)</i> Relevant date for compliance with limit values
A	$130\text{kW} \leq P \leq 560\text{kW}$	For engines with a production date before 30 June 2001, 30 June 2003. For engines with a production date on or after 30 June 2001, 30 June 2001.
B	$75\text{kW} \leq P < 130\text{kW}$	For engines with a production date before 30 June 2001, 30 June 2003. For engines with a production date on or after 30 June 2001, 30 June 2001.
C	$37\text{kW} \leq P < 75\text{kW}$	For engines with a production date before 30 June 2001, 30 June 2003. For engines with a production date on or after 30 June 2001, 30 June 2001.
D	$18\text{kW} \leq P < 37\text{kW}$	For engines with a production date before 31 December 2001, 31 December 2003. For engines with a production date on or after 31 December 2001, 31 December 2001.
E	$130\text{kW} \leq P \leq 560\text{kW}$	For engines with a production date before 31 December 2001, 31 December 2003. For engines with a production date on or after 31 December 2001, 31 December 2001. For agricultural or forestry tractors fitted with an engine with a production date before 30 June 2002, 30 June 2004.

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<i>(1)</i> <i>Category</i>	<i>(2)</i> <i>Engine power output (P)</i>	<i>(3)</i> <i>Relevant date for compliance with limit values</i>
		For agricultural or forestry tractors fitted with an engine with a production date on or after 30 June 2002, 30 June 2002.
F	75kW≤P<130kW	For engines with a production date before 31 December 2002, 31 December 2004. For engines with a production date on or after 31 December 2002, 31 December 2002. For agricultural or forestry tractors fitted with an engine with a production date before 30 June 2003, 30 June 2005. For agricultural or forestry tractors fitted with an engine with a production date on or after 30 June 2003, 30 June 2003.
G	37kW≤P<£75kW	For engines with a production date before 31 December 2003, 31 December 2005. For engines with a production date on or after 1 December 2003, 31 December 2003.

TABLE 2
LIMIT VALUES

<i>(1)</i> <i>Category</i>	<i>(2)</i> <i>Carbon monoxide (CO) (g/kWh)</i>	<i>(3)</i> <i>Hydrocarbon (HC) (g/kWh)</i>	<i>(4)</i> <i>Oxides of nitrogen (N Ox) (g/kWh)</i>	<i>(5)</i> <i>Particulates (PT) (g/kWh)</i>
A	5,0	1,3	9,2	0,54
B	5,0	1,3	9,2	0,70
C	6,5	1,3	9,2	0,85
D	5,5	1,5	8,0	0,8
E	3,5	1,0	6,0	0,2

(1) Category	(2) Carbon monoxide (CO) (g/kWh)	(3) Hydrocarbon (HC) (g/kWh)	(4) Oxides of nitrogen (N Ox) (g/kWh)	(5) Particulates (PT) (g/kWh)
F	5,0	1,0	6,0	0,3
G	5,0	1,3	7,0	0,4

SCHEDULE 2

Regulation 6

OFFENCES, ENFORCEMENT AND OTHER MATTERS

PART I

PROVISIONS AS TO OFFENCES

Offences and penalties

1. (1) It shall be an offence to contravene or fail to comply with—
 - (a) regulation 4 (prohibition on entering engines into service);
 - (b) paragraph 4 of this Schedule (obstruction of authorised officers and false statements);
 - (c) paragraph 5 of this Schedule (suspension notices); or
 - (d) paragraph 8(7) of this Schedule (prohibition of purported search and seizure by unauthorised person).

(2) A person guilty of any offence specified in sub-paragraph (1)(a) shall be liable on summary conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding level 5 on the standard scale, or to both.

(3) A person guilty of any offence specified in sub-paragraph (1)(b) to (d) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Defences

2. (1) It shall be a defence for a person charged with an offence under paragraph 1(1)(a) to show that he used the engine or tractor only in the course of his employment by some other person.

(2) Subject to sub-paragraphs (3) to (5), in proceedings against any person for any offence under these Regulations it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(3) Where in any proceedings (which in Scotland include the trial diet) against any person for such an offence the defence provided by sub-paragraph (2) above involves an allegation that the commission of the offence was due—

- (a) to the act or default of another; or
- (b) to reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland the trial diet), he has served a notice under sub-paragraph (4) on the person bringing the proceedings.

(4) A notice under this sub-paragraph shall give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.

(5) A person shall not be entitled to rely on the defence provided by sub-paragraph (2) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to—

- (a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) whether he had any reason to disbelieve the information.

Liability of persons other than principal offender

3. (1) Where the commission by any person of an offence under these Regulations is due to an act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this sub-paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations (including where it is so guilty by virtue of sub-paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, sub-paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) Where a Scottish partnership is guilty of an offence under these Regulations (including where it is so guilty by virtue of sub-paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner in the partnership, he, as well as the partnership, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

PART II

PROVISIONS AS TO ENFORCEMENT

Obstruction of authorised officers and false statements

4. (1) A person shall not—

- (a) intentionally obstruct a duly authorised officer of an enforcement authority acting in pursuance of any provision of these Regulations; or
- (b) intentionally fail to comply with any requirement properly made to him by such an officer under any provision of these Regulations; or
- (c) without reasonable cause fail to give any such officer of an enforcement authority who is so acting any other assistance or information which he may reasonably require of him for the purposes of the exercise of the officer's functions under any provision of these Regulations.

(2) A person shall not, in giving any information which is required of him by virtue of sub-paragraph (1)(c)—

- (a) make any statement which he knows is false in a material particular, or
- (b) recklessly make a statement which is false in a material particular.

Suspension notices

5. (1) Where an enforcement authority has reasonable grounds for suspecting that regulation 4 has been, or is likely to be, contravened, the authority may serve a notice in writing (“a suspension notice”) prohibiting the person on whom it is served, for such period ending not more than six months on or after the date of the notice as is specified therein, from entering into service for the first time a relevant engine, without the consent of the enforcement authority.

(2) A suspension notice served by an enforcement authority in respect of a relevant engine shall—

- (a) describe the relevant engine and any agricultural or forestry tractor in which it is installed in a manner sufficient to identify it;
- (b) set out the grounds on which the authority suspects that regulation 4 has been, or is likely to be, contravened; and
- (c) state that, and the manner in which, the person on whom the notice is served may appeal against the notice under paragraph 6.

(3) A consent given by an enforcement authority for the purposes of sub-paragraph (1), may impose such conditions on the doing of anything for which the consent is required as the authority considers appropriate.

(4) A suspension notice may require the person on whom it is served to keep the enforcement authority which served the notice informed of the whereabouts throughout the period during which the notice has effect, of any relevant engine, or any agricultural or forestry tractor in which it is installed, in which that person has an interest.

(5) Where a suspension notice has been served on any person in respect of a relevant engine no further suspension notice shall be served on that person in respect of the same relevant engine unless proceedings against that person for an offence under paragraph (1)(1)(a) are pending at the end of the period specified in the first-mentioned notice.

Appeals against suspension notices

6. (1) Any person having an interest in a relevant engine, or agricultural or forestry tractor, in respect of which a suspension notice is for the time being in force may apply for an order setting aside the notice.

(2) An application under sub-paragraph (1) may be made—

- (a) in England and Wales, or Northern Ireland, to any magistrates' court in which proceedings have been brought for an offence under paragraph 1(1)(a); or
- (b) where no such proceedings have been so brought, by way of complaint to a magistrates' court; or
- (c) in Scotland, by summary application to the sheriff.

(3) On an application under sub-paragraph (1) to a magistrates' court in England and Wales, or Northern Ireland, the court shall make an order setting aside the suspension notice, only if the court is satisfied that there has been no contravention in relation to the relevant engine or tractor of regulation 4.

(4) On an application under sub-paragraph (1) to the sheriff, he shall make an order setting aside the suspension notice only if he is satisfied that at the date of making the order proceedings

for an offence under paragraph 1(1)(a) have not been brought or, having been brought, have been concluded.

(5) Any person aggrieved by an order made under sub-paragraph (3) by a magistrates' court in England and Wales or Northern Ireland, or by a decision of such a court not to make such an order, may appeal against that order or decision—

- (a) in England and Wales, to the Crown Court;
- (b) in Northern Ireland, to the county court;

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Courts Act 1980 (6) or Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)) (7).

Power to make test purchases

7. (1) An enforcement authority shall have power, for the purpose of ascertaining whether regulation 4 has been contravened, to make any purchase of a relevant engine or an agricultural or forestry tractor in which a relevant engine is installed.

(2) Where—

- (a) a relevant engine, or agricultural or forestry tractor, purchased under this paragraph by or on behalf of an enforcement authority is submitted to a test; and
- (b) the test leads to—
 - (i) the bringing of proceedings for an offence under paragraph 1(1)(a) in relation to a relevant engine; or
 - (ii) the serving of a suspension notice in respect of a relevant engine, and
- (c) the authority is requested to do so and it is practicable for the authority to comply with the request,

the authority shall allow the person from whom the goods were purchased or any person who is a party to the proceedings or who has an interest in any relevant engine to which the notice relates, to have the engine tested.

Power of search etc.

8. (1) A duly authorised officer of an enforcement authority on—

- (a) identifying himself and producing authority in writing from the enforcement authority which appointed him for the exercise by him of powers conferred on the authority by these Regulations, and
- (b) stating the purpose of his actions and his grounds for undertaking them,

has available to him, at all reasonable hours, the powers set out in sub-paragraph (2).

(2) The powers referred to in sub-paragraph (1) are—

- (a) for the purpose of ascertaining whether an offence under these Regulations has been committed, inspection of any relevant engine, or agricultural and forestry tractor, and entering into any premises other than premises used only as a dwelling;
- (b) examine any procedure (including any arrangements for carrying out a test) connected with the manufacture of any relevant engine or agricultural or forestry tractor;

(6) 1980 c. 43.

(7) S.I. 1981/1675 (N.I. 26).

- (c) if there are reasonable grounds for suspecting that an offence under these Regulations has been committed, and for the purpose of ascertaining whether it has been committed, requiring any person carrying on, or employed in connection with a business, to produce any records relating to the business and taking copies of, or of any entry in, the records;
 - (d) if there are reasonable grounds for suspecting that an offence under these Regulations has been committed, seizure and detention of any relevant engine, or agricultural or forestry tractor, for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed.
- (3) For the purposes of sub-paragraph (2), the officer may require information stored electronically to be made available to him in printed form.
- (4) If a justice of the peace is satisfied by any written information on oath—
- (a) that there are reasonable grounds for believing either—
 - (i) that a relevant engine, or agricultural or forestry tractor, or records, which a duly authorised officer has the power under this paragraph to inspect, copy, seize or require to be produced, are on any premises and that their inspection, copying, seizure or production is likely to disclose evidence of the commission of an offence under these Regulations; or
 - (ii) that any offence under these Regulations has been, is being, or is about to be committed on any premises; and
 - (b) either—
 - (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this sub-paragraph has been given to the occupier; or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise any officer of an enforcement authority to enter the premises, if need be by force.
- (5) An officer entering any premises by virtue of this paragraph, may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant he shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.
- (6) An officer exercising any power of seizure and detention under this paragraph shall as soon as practicable give to the person against whom the power has been exercised, a written notice—
- (a) stating precisely what has been so seized and detained; and
 - (b) explaining where, within what period and on what grounds an appeal against such detention may be brought under paragraph 10 (appeals against detention), and whether the things detained would be released while an appeal was pending.
- (7) A person who is not a duly authorised officer of an enforcement authority shall not purport to act as such under this paragraph.
- (8) In the application of this paragraph to Scotland, the reference in sub-paragraph (4) to a justice of the peace shall include a reference to a sheriff, and the references to written information on oath shall be construed as references to evidence on oath.
- (9) In the application of this paragraph to Northern Ireland, the references in sub-paragraph (4) to any information on oath shall be construed as references to any complaint on oath.

Powers of customs officers to detain goods

9. (1) A customs officer may, for the purpose of facilitating the exercise by an enforcement authority, or duly authorised officer of such an authority, of any powers on the authority or officer by these Regulations seize any imported relevant engines or agricultural and forestry tractors in which such an engine is installed or any records, and detain them for not more than two working days.

(2) Anything seized and detained under this paragraph shall be dealt with during the period of its detention in such manner as the Commissioners of Customs and Excise may direct.

(3) A customs officer seizing any engine, tractor or records under this paragraph shall inform the person from whom they are seized that such engine, tractor or records have been seized.

(4) In sub-paragraph (1) the reference to two working days is a reference to a period of forty-eight hours calculated from the time when the goods in question are seized, but disregarding so much of any period as falls on a Saturday or Sunday or on Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽⁸⁾ in the part of the United Kingdom where the goods are seized.

(5) In this paragraph “customs officer” means any officer within the meaning of the Customs and Excise Management Act 1979⁽⁹⁾.

Appeal against detention of goods

10. (1) Any person having an interest in a relevant engine, or agricultural or forestry tractor, which are for time being detained under paragraph 8 by an enforcement authority, or by a duly authorised officer, may apply for an order requiring the relevant engine, or agricultural or forestry tractor, or records, as the case may be to be released to him or to another person.

(2) An application under this paragraph may be made—

- (a) to any magistrates' court in which proceedings have been brought in England and Wales or Northern Ireland for an offence in respect of a contravention of any provision of these Regulations; or
- (b) where no such proceedings have been so brought, by way of complaint to a magistrates' court; or
- (c) in Scotland, by summary application to the sheriff.

(3) A magistrates' court or the sheriff shall not make an order under sub-paragraph (1) unless the court or sheriff is satisfied—

- (a) that proceedings have not been brought for an offence in respect of a contravention of any provision of these Regulations in relation to a relevant engine, or agricultural or forestry tractor, or records, or having been brought, has been concluded; and
- (b) where no such proceedings have been brought, that more than six months have elapsed since the seizure was carried out.

(4) Any person aggrieved by an order made under sub-paragraph (3) by a magistrates' court in England and Wales or Northern Ireland, or by a decision of such a court not to make such an order, may appeal against that order or decision—

- (a) in England and Wales, to the Crown Court;
- (b) in Northern Ireland, to the county court;

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal

⁽⁸⁾ 1971 c. 80.

⁽⁹⁾ 1979 c. 2.

(including any application under section 111 of the Magistrates' Court Act 1980 or Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)).

Compensation for seizure and detention

11. (1) Where a duly authorised officer of an enforcement authority exercises any power under paragraph 8 seize and detain a relevant engine, or agricultural and forestry tractor, or records, the enforcement authority shall be liable to pay compensation to any person having an interest in a relevant engine, agricultural or forestry tractor or records in respect of any loss or damage caused by reason of the exercise of the power if—

- (a) there has been no contravention of any provision of these Regulations; and
- (b) the exercise of the power is not attributable to any neglect or default by that person.

(2) Any disputed question as to the right to or the amount of any compensation payable under this paragraph, shall be determined by arbitration or, in Scotland, by a single arbiter appointed, failing agreement between the parties, by the sheriff.

Recovery of the expenses of enforcement

12. (1) This paragraph shall apply where a court convicts a person of an offence in respect of a contravention of any provision of these Regulations.

(2) The court may (in addition to any other order it may make as to costs or expenses) order the person convicted to reimburse an enforcement authority for any expenditure which has been or may be incurred by that authority in connection with any seizure or detention by or on behalf of the authority of a relevant engine, or agricultural or forestry tractor, or records by or on behalf of the authority.

Power of the Commissioners of Customs and Excise to disclose information

13. (1) If they think it appropriate to do so for the purpose of facilitating the exercise by any person to whom sub-paragraph (2) applies of any functions conferred on that person by any provisions of these Regulations, the Commissioners of Customs and Excise may authorise the disclosure to that person of any information obtained for the purposes of the exercise by the Commissioners of their functions in relation to imported goods.

(2) This sub-paragraph applies to an enforcement authority and to any officer of an enforcement authority.

(3) A disclosure of information made to any person under sub-paragraph (1) above shall be made in such manner as may be directed by the Commissioners of Customs and Excise and may be made through such persons acting on behalf of that person as may be so directed.

(4) Information may be disclosed to a person under sub-paragraph (1) whether or not the disclosure of the information has been requested by or on behalf of that person.

Service of documents etc.

14. (1) Any document required or authorised by virtue of these Regulations to be served on a person may be so served—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
- (b) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) above on the secretary or clerk of that body; or

- (c) if the person is a partnership, by serving it in accordance with that sub-paragraph on a partner or on a person having control or management of the partnership business.

(2) For the purposes of sub-paragraph (1), and for the purposes of section 7 of the Interpretation Act 1978⁽¹⁰⁾ (which relates to the service of documents by post) in its application to that paragraph, the proper address of any person on whom a document is to be served by virtue of these Regulations shall be his last known address except that—

- (a) in the case of service of body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body corporate;
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the principal office of the partnership;

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

Savings for certain privileges

Nothing in these Regulations shall be taken as requiring any person—

- (a) to produce any records if he would be entitled to refuse to produce those records in any proceedings in any court on the grounds that they are the subject of legal professional privilege or, in Scotland, that they contain a confidential communication made by or to an advocate or solicitor in that capacity, or as authorising any person to take possession of any records which are in the possession of a person who would be so entitled; or
- (b) to answer any question or give any information if to do so would incriminate that person or that person's spouse.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which prohibit the initial entry into service of tractor engines which do not meet specified emissions requirements, implement Articles 4.3 to 4.5 of Directive 2000/25 of the European Parliament and of the Council on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors.

The tractor engines to which the Regulations apply are specified in *regulation 3*. They include all engines falling within a category specified Table 1 in *Schedule 1* apart from engines for tractors intended for sale outside the European Community, replacement engines and “end of series engines” designated under *regulation 5*. *Regulation 5* provides for engine manufacturers to apply to the Secretary of State for exemption of engines manufactured before the application of the new emissions standards established by Directive 2000/25 came into force up to a maximum equivalent to 10 per cent of the engines manufactured by the manufacturer in question during the previous calendar year.

⁽¹⁰⁾ 1978 c. 30.

Regulation 4 prohibits the first entry into service of a relevant engine after a date specified for the relevant engine category in Table 1 in Schedule 1 if the engine does not comply with the emissions limits specified in Table 2 (determined in accordance with Annex III of Council Directive 97/68).

Regulation 6 and Schedule 2 provide for offences and enforcement. Under paragraph 1 of *Schedule 2* it is an offence to contravene the prohibition in regulation 4, as well as certain enforcement provisions in the Schedule. *Paragraph 2* of the Schedule establishes certain defences, and *paragraphs 4 to 15* contain provisions (including powers of entry and seizure) aimed at assisting enforcement. *Regulation 6* provides for the Regulations to be enforced in Great Britain by the Secretary of State and in Northern Ireland by the Secretary of State and District Councils; and for the bringing of criminal proceedings.

This Explanatory Note incorporates the Transposition Note that would otherwise have been provided separately.

Copies of the Directives and Regulations which are relevant to these Regulations can be obtained from the Stationery Office.

A Regulatory Impact Assessment for Directive 2000/25 has been prepared and copies may be obtained from the Vehicle Standards and Engineering Division, Department for Transport, Zone 4/17, Great Minister House, 76 Marsham Street, London SW1P 4DR, telephone number 020 7944 2097. A copy has been placed in the library of both Houses of Parliament.