CONSTRUCTION AND USE OF MOTOR VEHICLES

1960 No. 167

The Motor Vehicles (Authorisation of Special Types) (Amendment) Order, 1960

Made - - - - 28*th January*, 1960
Coming into Operation 11*th February*, 1960

The Minister of Transport, in exercise of his powers under section 3 of the Road Traffic Act, 1930(**a**), as amended by section 51 of and paragraph 16 of the Eighth Schedule to the Road Traffic Act, 1956(**b**), and of all other powers him enabling in that behalf, hereby makes the following Order:—

1.—(1) This Order shall come into operation on the eleventh day of February, 1960, and may be cited as the Motor Vehicles (Authorisation of Special Types) (Amendment) Order, 1960.

(2) The Interpretation Act, 1889(**c**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Motor Vehicles (Authorisation of Special Types) General Order, 1955(**d**), as amended(**e**), shall have effect as though—

(1) in Article 12, sub-paragraph (*j*) were omitted;

(2) after Article 12 there were inserted the following Article:—

"*Motor vehicles and trailers constructed for use outside the United Kingdom and new or improved types of motor vehicles and trailers constructed for tests or trials and motor vehicles and trailers equipped with new or improved equipment or types of equipment*

12A.—(1) This Article applies to wheeled motor vehicles and trailers not falling within any description of motor vehicle or trailer specified in Article 14 or 15 of this Order and references in this Article to motor vehicles and trailers shall be construed accordingly.

(2) The Minister authorises the use on roads of motor vehicles and trailers or types of motor vehicles and trailers constructed for use outside the United Kingdom, of new or improved types of motor vehicles and trailers constructed for tests or trials, and of motor vehicles and trailers equipped with new or improved equipment or types of equipment, notwithstanding that such vehicles do not comply in all respects with the requirements of the Construction and Use Regulations, subject to the following conditions and restrictions:—

(*a*) no vehicle shall be used otherwise than—

(i) for or in connection with the testing or demonstration of the vehicle, or

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(**a**) 20 & 21 Geo. 5. c. 43. (**b**) 4 & 5 Eliz. 2. c. 67. (**c**) 52 & 53 Vict. c. 63.
(**d**) S.I. 1955/1038 (1955 II, p. 2224).
(**e**) S.I. 1956/932, 1265, 1958/828, 1959/1281 (1956 II, pp. 2001, 2002; 1958 II, p. 2095; 1959 II, p. 2351).

(ii) in the course of delivery on sale, or

(iii) for proceeding to or returning from a manufacturer or repairer for the purpose of construction, repair or overhaul;

(*b*) a vehicle shall comply with Regulations 5, 10, 15, 18, 19, 64, 73, 75, 76, 78 to 91, 93, 94 to 97, 99 and 101 to 103A of the Construction and Use Regulations;

(*c*) no vehicle shall be used for the carriage of any load other than its necessary gear or equipment or such apparatus or ballast as may be necessary for the purpose of carrying out a test or trial of that vehicle;

(*d*) before using a vehicle exceeding 9 feet 6 inches in overall width, or a vehicle having an overall length exceeding that specified by any provision of Regulation 6 or 53 of the Construction and Use Regulations as the maximum length for that vehicle, the owner of the vehicle shall give two clear days' notice (exclusive of Sundays, Bank Holidays, Christmas Day and Good Friday) to the Chief Officer of Police of every police area through which it is proposed that the vehicle shall pass containing such particulars as are necessary to identify the vehicle concerned, the time, date and route of the journey and particulars of the overall length and width of the vehicle including any load proposed to be carried.

Any such Chief Officer of Police may in special cases or circumstances dispense with any of the foregoing requirements of this sub-paragraph as to the length of notice or the particulars to be given. The owner of the vehicle shall carry out the journey in accordance with the particulars given by him in the notice, subject to any variations in the time, date or route which he may be directed to make by any such Chief Officer of Police;

(*e*) before using a vehicle in respect of which any of the requirements of the Construction and Use Regulations with respect to the weights of vehicles, whether laden or unladen, or the weights transmitted to the road surface by all or any of the wheels is not complied with in the case of the vehicle or, where more than one vehicle is being used, in the case of the vehicles used in combination or any of them, the owner shall give two clear days' notice (exclusive of Sundays, Bank Holidays, Christmas Day and Good Friday) to every highway authority and to every bridge authority responsible for the maintenance and repair of any road or bridge over which it is proposed that the vehicle shall pass, such notice being (subject to any necessary modification) in the form and containing all particulars specified in Part II of the Second Schedule to this Order and an indemnity in the form specified in the said Part II:

Provided that—

(i) the highway authority or bridge authority may in special cases or circumstances dispense with any requirements as to the length of notice or the particulars to be given; and

(ii) provisos (ii) and (iii) to paragraph (1) of Article 20 of this Order shall apply to any such notice.";

(3) for the First Schedule there were substituted the Schedule to this Order.

3. Paragraph (4) of Article 3 of the Motor Vehicles (Authorisation of Special Types) Order, 1956(a), is hereby revoked.

Given under the Official Seal of the Minister of Transport this twenty-eighth day of January, 1960.

(L.S.)

Denis O'Neill,
An Under Secretary of the Ministry of Transport.

SCHEDULE

Service and Civil Aviation Vehicles

Column 1	Column 2	Column 3
1. Motor vehicles or trailers constructed either for actual combative purposes or for naval, military or air force training in connection therewith, or for use with, or for the carriage or drawing of, instruments of war, including guns and machine guns.	Construction and Use Regulations—All. Track Laying Regulations—All.	Admiralty or Secretary of State for War or Secretary of State for Air or Minister of Aviation or any contractor making such vehicles for the Admiralty, for either of the said Secretaries of State or for the said Minister or any sub-contractor of such contractor.
2. Track laying motor vehicles or track laying trailers constructed either for actual combative purposes, or for use with, or for the carriage or drawing of, instruments of war, including guns and machine guns, ammunition, equipment or stores in connection therewith.	Construction and Use Regulations—All. Track Laying Regulations—All.	Admiralty or Secretary of State for War or Secretary of State for Air or Minister of Aviation or any contractor making such vehicles for the Admiralty, for either of the said Secretaries of State or for the said Minister or any sub-contractor of such contractor.
3. Motor vehicles or trailers constructed for the carriage of tanks.	Construction and Use Regulations—All. Track Laying Regulations—All.	Admiralty or Secretary of State for War or Minister of Aviation or any contractor making such vehicles for the Admiralty, for the said Secretary of State or for the said Minister or any sub-contractor of such contractor.

(a) S.I. 1956/1265 (1956 II, p. 2002).

Column 1	Column 2	Column 3
4. Motor vehicles or trailers constructed for the carriage of searchlights or the necessary equipment therefor.	Construction and Use Regulation 9. Track Laying Regulation 7.	Admiralty or Secretary of State for War or Secretary of State for Air or Minister of Aviation or any contractor making such vehicles for the Admiralty, for either of the said Secretaries of State or for the said Minister or any sub-contractor of such contractor.
5. Motor vehicles or trailers constructed for the carriage of aircraft or aircraft parts.	Construction and Use Regulations 6, 37, 38, 54 and 102. Track Laying Regulations 5, 30 and 75.	Admiralty or Secretary of State for Air or Minister of Aviation or any contractor making such vehicles for the Admiralty, for the said Secretary of State or for the said Minister or any sub-contractor of such contractor.
6. Motor tractors, heavy motor cars and trailers, constructed for naval, military, air force or civil aviation purposes before the 1st January, 1949.	Construction and Use Regulations 33, 37, 38, 54 and 55.	Admiralty or Secretary of State for War or Secretary of State for Air or Minister of Aviation or any contractor making such vehicles for the Admiralty, for either of the said Secretaries of State or for the said Minister or any sub-contractor of such contractor.
7. Heavy motor cars or trailers constructed for use and used only in connection with flying operations where the additional width is made necessary by the design of the equipment or its installation on the vehicle.	Construction and Use Regulations 37 and 54.	Admiralty or Secretary of State for Air or Minister of Aviation or any contractor making such vehicles for the Admiralty, for the said Secretary of State or for the said Minister or any sub-contractor of such contractor.
8. Aircraft drawn by motor vehicles.	Construction and Use Regulations 9, 53, 54 and 55.	Admiralty or Secretary of State for Air.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order further amends the Motor Vehicles (Authorisation of Special Types) General Order, 1955, by providing—

(*a*) that in relation to movable plant or equipment which is specially designed and constructed for moving excavated material, and the use of which is authorised under Article 12 of the principal Order, the condition that the maximum overall width of a vehicle is not to exceed 11 ft. shall cease to apply (Article 2 (1));

(*b*) that the use on roads of motor vehicles and trailers or types of motor vehicles and trailers constructed for use outside the United Kingdom, of new or improved types of motor vehicles and trailers constructed for tests or trials, and of motor vehicles and trailers equipped with new or improved equipment or types of equipment, is authorised subject to specified conditions (Article 2 (2));

(*c*) for a revised Schedule to be substituted for the First Schedule to the principal Order, the changes being mainly those arising out of the creation of the Ministry of Aviation and the consequent re-allocation of functions between certain Government Departments (Article 2 (3) and Schedule).