STATUTORY INSTRUMENTS

1970 No. 777

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1970

Made - - -	18*th May* 1970
Laid before Parliament	29*th May* 1970
Coming into Operation	15*th June* 1970

The Minister of Transport, in exercise of his powers under section 64(1) c the Road Traffic Act 1960(**a**) as amended by section 51 of and Schedule to the Road Traffic Act 1962(**b**), section 72(5) of the said Act of 1960, an of all other enabling powers, and after consultation with representativ organisations in accordance with the provisions of section 260(2) of th said Act of 1960, hereby makes the following Regulations :—

1.—(1) These Regulations shall come into operation on the 15th Jun 1970 and may be cited as the Motor Vehicles (Construction and Use (Amendment) (No. 2) Regulations 1970.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of thes Regulations as it applies for the interpretation of an Act of Parliament.

2. The Motor Vehicles (Construction and Use) Regulations 1969(**d**), a amended (**e**), shall have effect as though—

(1) for Regulation 97 there were substituted the following Regulation-

"97. No person shall cause or permit to be on a road any moto vehicle which is not attended by a person duly licensed to drive unless the engine is stopped and the parking brake required b Regulation 11 is effectively set :

Provided that the requirements of this Regulation as to the stopp ing of the engine shall not apply in the case of—

(*a*) a fire brigade vehicle the engine of which is being used fo any fire brigade purpose ;

(*b*) a vehicle which is propelled by gas produced in plant carrie on the vehicle or on a trailer drawn by the vehicle ;

(*c*) a vehicle when it is being used for police or ambulanc purposes ; or

(*d*) a vehicle engaged in operations which require its engine t be used—

(i) to drive special machinery or apparatus forming part o the vehicle or mounted thereon, such machinery o apparatus being that used for purposes other than i connection with the driving of the vehicle ; or

(**a**) 1960 c. 16. (**b**) 1962 c. 59.
(**c**) 1889 c. 63. (**d**) S.I. 1969/321 (1969 I. p, 829).
(**e**) There is no relevant amending instrument.

(ii) to maintain the electrical power in the batteries of the vehicle at a level required for the driving of such machinery or apparatus,

so, however, that paragraph (*d*) of this proviso shall not have effect in the case of a vehicle which is stationary on a road in such a position or in such condition or in such circumstances (including the gradient of the road) as to be likely to cause danger to any person or property.";

(2) in Regulation 115—

(*a*) in paragraph (1), for sub-paragraph (*n*) there were substituted the following sub-paragraph:—

"(*n*) where a motor vehicle is drawing a trailer or trailers and every such trailer is fitted with power assisted or power operated brakes which can be operated by the driver of the drawing vehicle and are not rendered ineffective by the non-rotation of the engine of the drawing vehicle—

(i) where one such trailer is drawn; or

(ii) where two or more such trailers are drawn, if one attendant is carried either on the drawing vehicle or a trailer for the purpose of attending to the trailers.;";

(*b*) after paragraph (1), there were inserted the following paragraph—

"(1A) The requirements of the said section 72 with regard to the employment of persons to drive or attend a locomotive whilst being driven on a highway shall not apply in the case of a locomotive propelled by the combustion of liquid fuel or by electrical power, whether or not the locomotive is drawing a trailer or trailers.".

Given under the Official Seal of the Minister of Transport the 18th May 1970.

(L.S.)

Fred Mulley,
Minister of Transport.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1969. The principal changes are:—

1. Regulation 97 is amended to allow motor vehicles, the engines of which are used to drive special machinery, to be left on roads in certain circumstances unattended and with the engine running.

2. Regulation 115 is amended so as to vary the requirements with regard to employment of attendants on motor vehicles and trailers.

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