STATUTORY INSTRUMENTS

1971 No. 979

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1971

Made - - - -	10*th June* 1971
Laid before Parliament	24*th June* 1971
Coming into Operation	7*th July* 1971

The Secretary of State for the Environment, in exercise of his powers under section 64(1) of the Road Traffic Act 1960(**a**) as amended by section 51 of and Schedule 4 to the Road Traffic Act 1962(**b**) and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1971, and shall come into operation on the 7th July 1971.

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

2. The Motor Vehicles (Construction and Use) Regulations 1969(**d**), as amended (**e**), shall be further amended in accordance with the following provisions of these Regulations.

3. Regulation 3(1) (Interpretation) shall have effect as though for the definition of "engineering plant" there were substituted the following definition—

" "engineering plant" means—

(*a*) moveable plant or equipment being a motor vehicle or trailer specially designed and constructed for the special purposes of engineering operations, and which cannot, owing to the requirements of those purposes, comply in all respects with the requirements of these Regulations and which is not constructed primarily to carry a load other than a load being either excavated materials raised from the ground by apparatus on the motor vehicle or trailer or materials which the vehicle or trailer is specially designed to treat while carried thereon, or

(*b*) a mobile crane which does not comply in all respects with the requirements of these Regulations;".

(**a**) 1960 c. 16.
(**b**) 1962 c. 59.
(**c**) 1889 c. 63.
(**d**) S.I. 1969/321 (1969 I, p. 829).
(**e**) The relevant amending instrument is S.I. 1969/1042 (1969 II, p. 3077).

4. Regulation 4 (Application and Exemptions) shall have effect as though after paragraph (3) there were inserted the following paragraph—

"(3A) Regulations 10, 40, 49, 51, 52 and 56 shall not apply to any pedestrian controlled vehicle.".

5. After Regulation 12B there shall be inserted the following Regulation—

"*Seat belts and anchorage points*

12C—(1) Except as provided by paragraph (2) of this Regulation, this Regulation applies to—

(*a*) every motor car registered on or after 1st January 1965; and

(*b*) every three-wheeled motor cycle, the unladen weight of which exceeds 5 hundredweight, first used on or after 1st September 1970.

(2) This Regulation does not apply:—

(*a*) to a goods vehicle (other than a dual-purpose vehicle), being a motor car, unless it was manufactured on or after 1st September 1966, is registered on or after 1st April 1967, and has an unladen weight not exceeding 30 hundredweight;

(*b*) to a three-wheeled motor cycle manufactured before 1st March 1970 or a two-wheeled motor cycle with a side-car attached thereto;

(*c*) to a passenger vehicle or a dual-purpose vehicle being in either case a vehicle adapted to carry more than twelve passengers exclusive of the driver;

(*d*) to a land tractor;

(*e*) to a works truck;

(*f*) to an electrically propelled goods vehicle;

(*g*) to a pedestrian controlled vehicle;

(*h*) to a vehicle in respect of which, under section 23 of the Purchase Tax Act 1963(**a**), any tax has been remitted and has not subsequently become payable;

(*i*) to a motor car manufactured before 30th June 1964; or

(*j*) to a vehicle which has been used on roads outside Great Britain and has been imported into Great Britain, whilst it is being driven after its importation into Great Britain on the journey from the place where it has arrived in Great Britain to a place of residence of the owner or driver of the vehicle, and on the journey from any such place to a place where, by previous arrangement, the vehicle will be provided with such anchorage points and seat belts as will comply with the requirements of this Regulation.

(3) Every vehicle to which this Regulation applies shall be provided with anchorage points designed to hold body-restraining seat belts securely in position on the vehicle for—

(*a*) the driver's seat; and

(*b*) the specified passenger's seat (if any):

Provided that this paragraph shall not apply so as to require anchorage points to be provided for any seat which is a seat with integral seat belt anchorages.

(**a**) 1963 c. 9.

(4) Every vehicle to which this Regulation applies shall be provided with—

(*a*) a body-restraining seat belt designed for use by an adult for the driver's seat; and

(*b*) a body-restraining seat belt for the specified passenger's seat (if any):

Provided that this paragraph shall not apply to a vehicle-

(*a*) while it is being used under a trade licence within the meaning of the Vehicles (Excise) Act 1971(**a**); or

(*b*) while it is being driven from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles—

(i) to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or

(ii) to premises of a person obtaining possession thereof under a hiring agreement or hire-purchase agreement.

(5) Every seat belt provided in pursuance of this Regulation shall, if the seat for which it is provided is a seat with integral seat belt anchorages, be properly secured to the integral seat belt anchorage points forming part thereof, or, if the seat for which it is provided is not such a seat, be properly secured to the structure of the vehicle by the anchorage points provided for it under paragraph (3) of this Regulation.

(6) Subject to the next succeeding paragraph, where a seat belt, other than a restraining device for a young person or a seat belt comprising a lap belt and shoulder straps, is provided in pursuance of this Regulation for a motor car or a motor cycle first used on or after 1st April 1973 and in either case manufactured on or after 1st October 1972, the following additional conditions shall apply as respects that seat belt—

(*a*) the belt shall be so arranged that a person can, when sitting in the seat for which the belt is provided and with the belt previously adjusted to fit him, remove the belt from the device required by sub-paragraph (*c*) of this paragraph and by using one hand, or by taking the belt with one hand and transferring it from one hand to the other, put the belt on;

(*b*) the fastenings by means of which the belt is secured on the wearer shall be so designed that they can be engaged with a single movement of one hand in one direction and released with such a movement in one direction;

(*c*) an efficient device, unlikely to become dislodged in normal use, for retaining the belt in position when stowed away shall be provided and the centre of this device shall be located not more than 75 millimetres behind a point which is in the same horizontal plane and is positioned on the rear side of the door aperture provided for access to the front seat:

For the purpose of determining the position of the aforesaid point the door and any rubber, felt or other soft trimming or sealing material around the door aperture shall be disregarded;

(*d*) the said device shall be at a sufficient height from the floor of the vehicle to ensure that, so far as is practicable, any part of the belt that would come in contact with the clothing of a person wearing the belt in normal circumstances does not lie on the floor when the belt is in the stowed position;

(**a**) 1971 c. 10.

(*e*) it shall be possible to stow away the belt for retention on the device mentioned in sub-paragraph (*c*) of this paragraph without employing any manual device for adjusting the belt to fit the wearer; and

(*f*) the belt, after being put on by the wearer, shall either adjust automatically to fit him or be such that the said manual device shall be convenient to use and capable of being operated with one hand.

(7) The last preceding paragraph shall not apply to:—

(*a*) a seat belt fitted to the specified passenger's seat which is treated as such by virtue of sub-paragraph (*b*) of paragraph (10) of this Regulation;

or

(*b*) a seat belt fitted to the specified passenger's seat of a goods vehicle which has an unladen weight of more than 18 hundredweight and has more than one forward facing front seat for a passenger alongside the driver's seat, any such seats for passengers being joined together in a single structure.

(8)(*a*) Every motor car manufactured on or after 1st September 1966 and registered on or after 1st April 1967 and every three-wheeled motor cycle manufactured on or after 1st April 1972 and first used on or after 1st October 1972 which is provided with seat belt anchorage points in pursuance of paragraph (3) of this Regulation shall be legibly and permanently marked with the specification number of the British Standard for seat belt anchorage points, namely, B.S. AU 48: 1965;

(*b*) where in the case of any motor car to which this Regulation applies and which was registered on or after 1st April 1967 or in the case of any motor cycle to which this Regulation applies and which is first used on or after 1st October 1972 the driver's seat or the specified passenger's seat is a seat with integral seat belt anchorages, such seat shall be legibly and permanently marked with the specification number of the British Standard for Seats with Integral Seat Belt Anchorages followed by the suffix "1", namely, B.S. AU 140/1: 1967;

(*c*) if any seat with integral seat belt anchorages is provided on or after 1st January 1969 for a motor car to which this Regulation applies and which was manufactured on or after 1st September 1966 and registered on or after 1st April 1967 or is provided on or after 1st July 1971 for a motor cycle to which this Regulation applies and which is manufactured on or after 1st January 1971 and first used on or after 1st July 1971 the vehicle for which it is so provided shall be legibly and permanently marked with the specification number, namely, B.S.AU 140: 1967; and

(*d*) each seat belt provided for any person in any vehicle to which this Regulation applies shall be legibly and permanently marked with the specification number of the British Standard for Seat Belt Assemblies for Motor Vehicles, namely, B.S. 3254: 1960, and the registered certification trade mark of the British Standards Institution.

(9) Nothing in this Regulation shall be taken to authorise any person to apply a specification number or registered certification trade mark to a vehicle, seat or seat belt in contravention of the Trade Descriptions Act 1968(**a**).

(**a**) 1968 c. 29.

(10) In this Regulation—

"body-restraining seat belt" means a seat belt designed to provide restraint for both the upper and lower parts of the trunk of the wearer in the event of an accident to the vehicle;

"seat belt" means a belt intended to be worn by a person in a vehicle and designed to prevent or lessen injury to its wearer in the event of an accident to the vehicle and includes, in the case of a restraining device for a young person, any special chair to which the belt is attached, and

"specified passenger's seat" means—

(*a*) in the case of a vehicle which has one forward-facing front seat alongside the driver's seat, such seat, and in the case of a vehicle which has more than one such seat, the one furthest from the driver's seat; or

(*b*) if the vehicle normally has no seat which is the specified passenger's seat under the last preceding sub-paragraph, the forward-facing front seat for a passenger which is foremost in the vehicle and furthest from the driver's seat, unless there is a fixed partition separating such seat from the space in front of it alongside the driver's seat.".

6. Regulation 53 (Seat belts and anchorage points) shall be omitted.

7. For Regulation 106 (Use of trailers) there shall be substituted the following Regulation—

"106. No trailer shall be used for the conveyance of passengers for hire or reward:

Provided that this Regulation shall not apply to a trailer, being either a broken down motor vehicle or a trailer carrying a broken down motor vehicle, while being drawn in consequence of a breakdown of the said motor vehicle if the following conditions are fulfilled—

(*a*) the trailer is not drawn at a speed in excess of 30 miles per hour; and

(*b*) where the trailer is, or is carrying, a broken down motor vehicle constructed or adapted to carry more than 7 passengers exclusive of the driver or any other broken down motor vehicle carrying more than 8 persons, it is attached to the drawing vehicle by means of a rigid draw bar.".

8. Regulation 110 (Interpretation) shall have effect as though—

(*a*) in paragraph (1)(*d*)(ii), after the words "the load is carried" where they first occur there were inserted the words "except where the context otherwise requires"; and

(*b*) paragraph (2) were omitted.

9. Regulation 111 (Restrictions on use of vehicles carrying wide or long loads or having fixed appliances or apparatus) shall have effect as though—

(*a*) for proviso (i) to paragraph (2)(*b*), there were substituted the following proviso—

"(i) to the carriage of an indivisible load if—

(*a*) it is not reasonably practicable to comply with the requirements of the said paragraph, and

(*b*) the conditions specified in paragraph 1 of Schedule 8 have been complied with, and

(*c*) where the overall width of the vehicle together with the width of any lateral projection or projections of its load exceeds 3·5 metres, the conditions specified in paragraph 2 of Schedule 8 have been complied with; or";

(*b*) for paragraph (3) there were substituted the following paragraph—

"(3) Where a load is carried in such a manner that its weight rests—

(*a*) on one vehicle being a heavy motor car or a trailer the overall length of the heavy motor car or, as the case may be, of the trailer together with the length of any forward and of any rearward projection of the load shall not exceed 90 feet; or

(*b*) on more than one vehicle being—

(i) a motor vehicle drawing one trailer whether forming part of an articulated vehicle or not, or

(ii) any other combination of vehicles,

then, in the case at (i) above, the overall length of the trailer together with the length of any forward projection of the load extending beyond the foremost point of the trailer and of any rearward projection of the load shall not exceed 90 feet and, in the case at (ii) above, the overall length of the vehicles together with the distance between vehicles and the length of any forward and of any rearward projection of the load shall not exceed 90 feet.";

(*c*) in paragraph (4) for sub-paragraph (*a*) there were substituted the following sub-paragraph—

"(*a*) no load shall be carried on a vehicle where the overall length of the vehicle together with the length of any forward projection and of any rearward projection of the load exceeds 60 feet, and as respects a motor vehicle which is drawing a trailer or trailers, no load shall be carried in such a manner that its weight rests on more than one of the vehicles being—

(i) the motor vehicle and one trailer whether forming part of an articulated vehicle or not, or

(ii) any other combination of vehicles,

if, in the case at (i) above, the overall length of the trailer together with the length of any forward projection of the load extending beyond the foremost point of the trailer and of any rearward projection of the load exceeds 60 feet and, in the case at (ii) above the overall length of the vehicle together with the distance between vehicles and the length of any forward and of any rearward projection of the load exceeds 60 feet; and".

10. Schedule 8 (Conditions to be complied with in relation to certain vehicles) shall have effect as though—

(*a*) in paragraph (1)(*c*), after the words "police as aforesaid", there were inserted the words "and subject to any delay which may be occasioned by reason of a direction given by a police constable, in the interests of road safety or to avoid undue traffic congestion, to the driver of a vehicle to halt it in a place on or adjacent to the road on which the vehicle is travelling," and

(*b*) in paragraph 2 immediately above the words "For the purpose of this paragraph" there were inserted the following proviso—

"Provided that, where three or more motor vehicles as respects which the conditions in this paragraph are applicable are travelling together in convoy, it shall be a sufficient compliance with this paragraph if only the foremost and rearmost vehicles in the convoy are attended in the manner prescribed in this paragraph.".

Signed by authority of the Secretary of State.
10th June 1971.

John Peyton,
Minister for Transport Industries
Department of the Environment.

EXPLANATORY NOTE

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

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1969 and make the following main changes:—

1. The definition of "engineering plant" is amended so as to include vehicles constructed to carry excavated materials which they lift from the ground or materials which they treat while carried thereon (Regulation 3);
2. Pedestrian controlled vehicles are exempted from certain of the 1969 Regulations (Regulation 4);
3. Regulation 53 is revoked and replaced by a new Regulation which re-enacts the provisions of Regulation 53 and adds the following requirements:
   (i) three-wheeled motor cycles with an unladen weight exceeding 5 cwt. and first used on or after 1st September 1970 are required to be fitted with seat belts;
   (ii) in the case of such three-wheeled motor cycles first used on or after 1st October 1972 and provided with anchorage points, the cycles are required to be marked with the number "B.S.AU 48:1965";
   (iii) seat belts fitted to any of the vehicles to which the new Regulation applies and first used on or after 1st April 1973, are, with minor exceptions, required to meet certain conditions relating to the way they can be put on by the wearer, fastened, stowed and adjusted (Regulations 5 and 6);
4. Regulation 106 is amended to permit broken down vehicles carrying passengers to be towed under certain conditions (Regulation 7);
5. Regulation 111 and Schedule 8 are amended so as to alter the requirements for long and wide vehicles to be attended, and in particular to require a vehicle which with its indivisible load exceeds 3·5 metres in width to have an attendant (Regulation 9).