STATUTORY INSTRUMENTS

1972 No. 843

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1972

Made - - -	31*st May* 1972
Laid before Parliament	8*th June* 1972
Coming into Operation	1*st July* 1972

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 1972, and shall come into operation on 1st July 1972.

(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 have effect as though—

(1) in Regulation 12A(2) for sub-paragraph (*g*) there were substituted the following sub-paragraph—

"(*g*) to a vehicle manufactured before 1st January 1974, being—

(i) a vehicle manufactured by British Leyland (Austin-Morris) Limited, known as the Austin Taxi Cab, first introduced in 1959 and allocated the Vehicle Identification number FX4D; or

(ii) a vehicle manufactured by British Leyland (Austin-Morris) Limited, known as the Austin Hire Car, first introduced in 1959 and allocated the Vehicle Identification number FL2 or FL2D; or

(iii) a vehicle manufactured by British Leyland (Austin-Morris) Limited, known as the Vanden Plas 1300 and first introduced in 1967, the Wolseley 1300 Mark II and first introduced in 1968, the Austin 1300 GT or Morris 1300 GT and first introduced in 1969, the Austin 1100 Mark III or the Austin 1300 Mark III and first introduced in 1971 and allocated the Prefix Letters VAS2, WA4S5, AA4DA, MA4DA, AASAS and AASAS respectively; or

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

(iv) a vehicle manufactured by the Daimler Company Limited, known as the Daimler Limousine Mark I or Mark II and first introduced in 1968; or

(v) a vehicle manufactured by the Rover Company Limited, known as the Rover 3·5 litre Saloon and first introduced in 1958 or the Rover 3·5 litre Coupe and first introduced in 1962; or

(vi) a vehicle manufactured by the Reliant Motor Company Limited, known as the Regal Saloon or Regal Super Van, first introduced in 1962 and allocated the Vehicle Identification Number TW7C or the Rebel Saloon, Estate or Van, first introduced in 1964 and allocated the Vehicle Identification number FW4B or FW4BE2; or

(vii) a vehicle manufactured by Gilbern Cars Limited, known as the Invader Mark II Saloon and first introduced in 1970 or the Invader Mark II Estate and first introduced in 1971, and allocated the Prefix Letters IN; or

(viii) a vehicle manufactured by Marcos Limited, known as the Marcos Two-Seater and first introduced in 1964 or the Marcos Mantis 2+2 and first introduced in 1970; or

(ix) a vehicle manufactured by TVR Engineering Limited, known as the Tuscan V.8. and first introduced in 1968, the Tuscan V.6. and first introduced in 1969, the Vixen S.3. and first introduced in 1970 or the Vixen 2500, Vixen 1300 or Vixen 2500M and first introduced in 1971; or

(x) a vehicle manufactured by Lotus Cars Limited, known as the Elan Plus Two S130 Series 1 and first introduced in 1967 or the Elan Sprint Fixed-Head E or Elan Sprint Drop-Head G and first introduced in 1963; or

(xi) a vehicle manufactured by AC Cars Limited, known as the AC 428 Fastback or Convertible and first introduced in 1966; or

(xii) a vehicle manufactured by Vauxhall Motors Limited, known as the Cresta Saloon or Cresta De Luxe Saloon, first introduced in 1965 and allocated the Vehicle Identification number PCS98269 or PCD98469 or the Viscount Saloon, first introduced in 1966 and allocated the Vehicle Identification number PCE98669; or

(xiii) a vehicle manufactured by Skoda (GB) Limited, known as the S100, S100L or S110L Saloon and first introduced in 1970 or the S110LS Saloon or S110R Coupe and first introduced in 1972; or

(xiv) a vehicle manufactured by VEB Automobilwerk Eisenach, known as the Wartburg Knight Saloon, first introduced in 1966 and allocated the Vehicle Identification number 353-005 or the Wartburg Knight Estate, first introduced in 1966 and allocated the Vehicle Identification number 353-903.";

(2) in Regulation 12B(2) for sub-paragraph (*h*) there were substituted the following sub-paragraph—

"(*h*) to a vehicle manufactured before 1st January 1974, being—

(i) a vehicle manufactured by British Leyland (Austin-Morris) Limited, known as the Austin Taxi Cab, first introduced in

1959 and allocated the Vehicle Identification number FX4D; or

(ii) a vehicle manufactured by British Leyland (Austin-Morris) Limited, known as the Austin Hire Car, first introduced in 1959 and allocated the Vehicle Identification number FL2 or FL2D; or

(iii) a vehicle manufactured by British Leyland (Austin-Morris) Limited, known as the Austin or Morris Half-Ton Van or Pick-up, first introduced in 1956 or 1957 and allocated the Vehicle Identification number HV6 or HK6; or

(iv) a vehicle manufactured by British Leyland (Austin-Morris) Limited, known as the Morris 6 or 8 cwt. Van or Pick-up, first introduced in 1962 and allocated the Vehicle Identification number MAV5 or MAU5 of the Austin 6 or 8 cwt. Van or Pick-up, first introduced in 1968 and allocated the Vehicle Identification number AAV5 or AAU5; or

(v) a vehicle manufactured by the Daimler Company Limited, known as the Daimler Limousine Mark I or Mark II and first introduced in 1968; or

(vi) a vehicle manufactured by the Rover Company Limited, known as the Rover 3·5 litre Saloon and first introduced in 1958 or the Rover 3·5 litre Coupe and first introduced in 1962; or

(vii) a vehicle manufactured by the Reliant Motor Company Limited, known as the Regal Saloon or Regal Super Van, first introduced in 1962 and allocated the Vehicle Identification number TW7C or the Rebel Saloon, Estate or Van, first introduced in 1964 and allocated the Vehicle Identification number FW4B or FW4BE2; or

(viii) a vehicle manufactured by Gilbern Cars Limited, known as the Invader Mark II Saloon and first introduced in 1970 or the Invader Mark II Estate and first introduced in 1971, and allocated the Prefix Letters IN; or

(ix) a vehicle manufactured by Marcos Limited, known as the Marcos Two-Seater and first introduced in 1964 or the Marcos Mantis 2+2 and first introduced in 1970; or

(x) a vehicle manufactured by TVR Engineering Limited, known as the Tuscan V.8. and first introduced in 1968, the Tuscan V.6. and first introduced in 1969, the Vixen S.3. and first introduced in 1970 or the Vixen 2500, Vixen 1300 or Vixen 2500M and first introduced in 1971; or

(xi) a vehicle manufactured by Lotus Cars Limited, known as the Lotus Mark Seven and first introduced in 1958; or

(xii) a vehicle manufactured by Lotus Cars Limited, known as the Elan Plus Two S130 Series 1 and first introduced in 1967 or the Elan Sprint Fixed-Head E or Elan Sprint Drop-Head G and first introduced in 1963; or

(xiii) a vehicle manufactured by AC Cars Limited, known as the AC 428 Fastback or Convertible and first introduced in 1966; or

(xiv) a vehicle manufactured by Vauxhall Motors Limited, known as the Cresta Saloon or Cresta De Luxe Saloon, first intro-

duced in 1965 and allocated the Vehicle Identification number PCS98269 or PCD98469 or the Viscount Saloon, first introduced in 1966 and allocated the Vehicle Identification number PCE98669; or

(xv) a vehicle manufactured by Skoda (GB) Limited, known as the S100, S100L or S110L Saloon and first introduced in 1970 or the S110LS Saloon or S110R Coupe and first introduced in 1972; or

(xvi) a vehicle manufactured by VEB Automobilwerk Eisenach, known as the Wartburg Knight Saloon, first introduced in 1966 and allocated the Vehicle Identification number 353-005 or the Wartburg Knight Estate, first introduced in 1966 and allocated the Vehicle Identification number 353-903.";

(3) Regulation 13 shall have effect as though the words "and to every public service vehicle which is for the time being used as an express carriage" were omitted;

(4) in Regulation 21 after paragraph (1) there were substituted the following paragraph—

"(1A) The sound emitted by any instrument of the kind described in the preceding paragraph fitted to a motor vehicle, being a motor vehicle first used on or after 1st August 1973 shall be continuous and uniform and not strident.";

(5) after Regulation 83 there were inserted the following Regulation—

"83A.—(1) No person shall use or cause or permit to be used on a road a vehicle to which this paragraph applies, if pneumatic tyres of different types of structure are fitted to the same axle of the vehicle.

(2) Paragraph (1) of this Regulation applies to a passenger car, a dual-purpose vehicle, a goods vehicle (other than a dual-purpose vehicle) the unladen weight of which does not exceed 30 hundredweight and to a trailer drawn by any such vehicle.

(3) No person shall use or cause or permit to be used on a road a vehicle to which this paragraph applies, if—

(*a*) a diagonal-ply tyre or a bias-belted tyre is fitted on the rear axle of the vehicle and that vehicle has a radial-ply tyre fitted on the front axle thereof; or

(*b*) a diagonal-ply tyre is fitted on the rear axle of the vehicle and that vehicle has a bias-belted tyre fitted on the front axle thereof.

(4) Paragraph (3) of this Regulation applies to a passenger car, a dual-purpose vehicle, and a goods vehicle (other than a dual-purpose vehicle) the unladen weight of which does not exceed 30 hundredweight.

(5) For the purposes of this Regulation—

"a diagonal-ply tyre" means a pneumatic tyre, the structure of which is such that the ply cords extend to the bead so as to be laid at alternate angles of substantially less than 90° to the peripheral line of the tread, but not being a bias-belted tyre;

"a bias-belted tyre" means a pneumatic tyre, the structure of which is such that the ply cords extend to the bead so as to be

laid at alternate angles of substantially less than 90° to the peripheral line of the tread, and are constrained by a circumferential belt comprising two or more layers of substantially inextensible cord material laid at alternate angles smaller than those of the ply cord structure;

"a radial-ply tyre" means a pneumatic tyre, the structure of which is such that the ply cords extend to the bead so as to be laid at an angle of substantially 90° to the peripheral line of the tread, the ply cord structure being stablized by a substantially inextensible circumferential belt;

"type of structure", in relation to a tyre, means a type of structure of a tyre of a kind defined in the foregoing provisions of this paragraph; and

"passenger car" means a passenger vehicle with three or more wheels and not constructed to carry more than seven passengers exclusive of the driver, but does not include a two-wheeled motor cycle with a sidecar attached.";

(6) in Regulation 91(1)(*a*) for the words "at any time; or" there were substituted the words "at any time, other than at times of danger due to another moving vehicle on or near the road; or";

(7) after Regulation 106 there were inserted the following Regulation—

"106A. No trailer, which is a living van and either has less than 4 wheels or is a four-wheeled trailer having two close-coupled wheels on each side, shall be used for the carriage of any passenger:

Provided that this Regulation shall not apply to a trailer while it is being tested by the manufacturer by whom it was made, or by the repairer by whom it is being or has been repaired, or by a distributor of trailers or a dealer in trailers.";

(8) in Regulation 111(6) for the proviso there were substituted the following proviso—

"Provided that—

(*a*) this paragraph shall not apply—

(i) to the carriage of a load which consists, whether wholly or partly, of a boat used for racing and propelled solely by oars if any provision of this paragraph would otherwise apply by reason only of the boat being so carried that it has a forward projection or, as the case may be, a rearward projection, or

(ii) to the carriage of a load by a straddle carrier; and

(*b*) notwithstanding that sub-paragraphs (*c*) and (*d*) of this paragraph provide for the condition specified in paragraph 3 of Schedule 8 to be complied with as respects a load which has a rearward projection specified in either of such sub-paragraphs, that condition in relation to the exhibition of the end projection surface on that rearward projection need not be complied with in the case of such a load which carries a rear marking in accordance with the Motor Vehicles (Rear Markings) Regulations 1970(**a**), as amended (**b**).";

(9) in Schedule 8, in paragraph 3(*d*)(iii) after the word "surface" there were inserted the words "or a rear marking carried in accordance with the Motor Vehicles (Rear Markings) Regulations 1970, as amended".

(**a**) S.I. 1970/1700 (1970 III, p. 5577). (**b**) S.I. 1972/842 (1972 II, p. 2681).

Signed by authority of the Secretary of State.

31st May 1972.

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 principal changes:—

1. Amendments are made to the descriptions of vehicles which, if manufactured before 1st January 1974, are exempted from complying with the requirement that private cars are to be marked with an approval mark to indicate that the vehicles are fitted with anti-burst latches and hinges to reduce the risk of side doors opening in a collision (Regulation 2(1)).

2. Amendments are made to the descriptions of vehicles which, if so manufactured, are exempted from complying with the requirement that private cars and their derivatives are also to be marked with an approval mark to indicate that the vehicles are fitted with a protective type of steering mechanism (Regulation 2(2)).

3. The fitting of musical and multi-tone horns to motor vehicles first used as from 1st August 1973 is prohibited (Regulation 2(4)).

4. More specific restrictions are introduced on the fitting of tyres of different kinds to certain vehicles, and for this purpose tyres are referred to as diagonal-ply tyres (also commonly called "cross-ply tyres" or "bias-ply tyres"), bias-belted tyres and radial-ply tyres (Regulation 2(5)).

5. A horn on a stationary vehicle is permitted to be sounded in an emergency (Regulation 2(6)).

6. Subject to certain exceptions, the carriage of passengers in a moving living van with less than four wheels or with four close-coupled wheels is prohibited (Regulation 2(7)).

7. An end projection surface at the end of certain loads projecting to the rear of a vehicle need not be exhibited, if a rear marking is carried on those loads in accordance with the Motor Vehicles (Rear Markings) Regulations 1970, as amended (Regulation 2(8)).

SI 1972/843
ISBN 0-11-020843-9

