STATUTORY INSTRUMENTS

1973 No. 1347

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1973

Made - - - -	30*th July* 1973
Laid before Parliament	7*th August* 1973
Coming into Operation	28*th August* 1973

The Secretary of State for the Environment, in exercise of his powers under section 40(1) and (3) of the Road Traffic Act 1972**(a)** and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of that Act, hereby makes the following Regulations:

1. These Regulations shall come into operation on 28th August 1973 and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1973.

2. The Motor Vehicles (Construction and Use) Regulations 1973**(b)**, as amended**(c)**, shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. After Regulation 4 (applications and exemptions) there shall be inserted the following Regulations:

"4A. (1) This Regulation applies to a motor vehicle or trailer in respect of which

(*a*) a type approval certificate has been issued by the Secretary of State under Regulation 5 of the Motor Vehicles (Type Approval) Regulations 1973**(d)** (which provides for the issue of such a certificate in respect of a vehicle which is approved as a type vehicle where it conforms to certain requirements as to design, construction, equipment and marking) or by the competent authority of any member State other than the United Kingdom under a provision of the law of that State which corresponds to the said Regulation 5; or

(*b*) a certificate of conformity has been issued by the manufacturer of the vehicle under Regulation 6 of those Regulations (which provides for the issue of such a certificate in respect of a vehicle where it is manufactured so as to conform with a type vehicle in respect of such of the said requirements as apply in relation to that vehicle) or under a provision of the law of any member State other than the United Kingdom which corresponds to the said Regulation 6.

(a) 1972 c. 20. (b) S.I. 1973/24 (1973 I, p. 93).
(c) The amendments do not relate to the subject matter of these Regulations.
(d) S.I. 1973/1199 (1973 II, p. 3610).

(2) Where in the case of any motor vehicle or trailer to which this Regulation applies the type approval certificate or, as the case may be, the certificate of conformity in question has been issued by reason of the vehicle's conforming to the requirements of a Community Directive specified in column 1 of the Table set out below (the Directives there specified being the Council Directives which are referred to in Schedule 2 to the said Regulations of 1973 and which contain requirements with respect to the design, construction, equipment and marking of vehicles or their components) and the vehicle is first used on or after the date specified opposite to that Directive in column 2 of the said table, then that one or more (as the case may be) of these Regulations which are specified opposite to that Directive in column 3 of the said table shall not apply to that vehicle.

(3) In paragraph (1) above "member State" has the same meaning as in Regulation 3(1) of the said Regulations of 1973.

TABLE

The Community Directives to whose requirements the vehicle must conform	Date on or after which the vehicle is first used	Regulations from which the vehicle is then exempted
Council Directive 71/320/EEC of 26th July 1971**(a)** (relating to the braking devices of certain categories of motor vehicles and their trailers)	1st July 1973	13, 14, 47, 50, 54, 59, 66 and 70
Council Directive 70/387/EEC of 27th July 1970**(b)** (relating to the doors of motor vehicles and their trailers)	1st July 1973	15
Council Directive 70/221/EEC of 20th March 1970**(c)** (relating to the liquid fuel tanks and rear protective devices for motor vehicles and their trailers)	1st July 1973	19
Council Directive 71/127/EEC of 1st March 1971**(d)** (relating to the rear-view mirrors of motor vehicles)	1st July 1973	23(3)
Council Directive 70/388/EEC of 27th July 1970**(e)** (relating to the audible warning devices for motor vehicles)	1st July 1973	27(2)
Council Directive 70/157/EEC of 6th February 1970**(f)** (relating to the permissible sound level and exhaust system of motor vehicles)	1st July 1973	29

Official Journal Reference:

(a) O.J. L202, 6.9.1971, p. 37 (S.E. 1971 (III), p. 746).
(b) O.J. L176, 10.8.1970, p. 5 (S.E. 1970 (II), p. 564).
(c) O.J. L76, 6.4.1970, p. 23 (S.E. 1970 (I), p. 192).
(d) O.J. L68, 22.3.1971, p. 1 (S.E. 1971 (I), p. 136).
(e) O.J. L176, 10.8.1970, p. 12 (S.E. 1970 (II), p. 571).
(f) O.J. L42, 23.2.1970, p. 16 (S.E. 1970 (I), p. 111).

The Community Directives to whose requirements the vehicle must conform	Date on or after which the vehicle is first used	Regulations from which the vehicle is then exempted
Council Directive 72/245/EEC of 20th June 1972(a) (relating to the suppression of radio interference produced by spark-ignition engines fitted to motor vehicles)	1st April 1974	30
Council Directive 70/220/EEC of 20th March 1970(b) (relating to the measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles)	10th November 1973	33A

4B. Any reference in these Regulations to any Community Directive shall be construed as a reference to that Directive as amended by the Act of Accession(c) or any other Community Instrument.".

4. In Regulation 94 (maintenance of brakes), at the end of paragraph (1) there shall be added the following sub-paragraph: -

"(*f*) in the case of motor vehicles or trailers to which Regulation 4A(1) applies, being vehicles to which that Regulation applies by virtue of the vehicles' conforming to the requirements of Council Directive (EEC) No. 71/320 of 26th July 1971(d) (which relates to the braking devices of certain categories of motor vehicles and their trailers), be so maintained that the braking devices forming part of the system comply with the requirements as to the performance and characteristics of those devices which are applicable thereto by virtue of the requirements of the said Directive.".

5. At the end of Regulation 108 (limitation of noise by measurement) there shall be added the following paragraph:

"(10) Where any motor vehicle to which this Regulation applies is also a vehicle to which Regulation 4A(1) applies by virtue of the vehicle's conforming to the requirements of Council Directive (EEC) No. 70/157 of 6th February 1970(e) (which relates to the permissible sound level and exhaust system of motor vehicles) and is a vehicle of which the power of the engine is not less than 200 HP DIN, the maximum permitted sound level for the purposes of paragraph (2) above shall, instead of that specified in paragraph (3) above, be 94 decibels (A weighting).".

6. In Regulation 116 (motor vehicle not to be left unattended by licensed driver unless engine stopped and parking brake set)—

(*a*) for the words "the parking brake required by Regulation 13" there shall be substituted the words "the relevant parking brake"; and

Official Journal Reference:

(a) O.J. L152, 6.7.1972, p. 15 (S.E. 1972 (II), p. 637).
(b) O.J. L76, 6.4.1970, p. 25 (S.E. 1970 (I), p. 171).

(c) Cmnd. 4862 II, Annex I pp. 120/128.
(d) O.J. L202, 6.9.1971, p. 37 (S.E. 1971 (III), p. 746).
(e) O.J. L42, 23.2.1970, p. 16 (S.E. 1970 (I), p. 111).

(*b*) at the end there shall be added the words:—

"In this Regulation, "relevant parking brake" means—

(*a*) in the case of a motor vehicle to which Regulation 4A(1) applies, being a vehicle to which that Regulation applies by virtue of the vehicle's conforming to the requirements of Council Directive (EEC) No. 71/320 of 26th July 1971, the parking brake provided in accordance with those requirements; and

(*b*) in the case of any other motor vehicle, the parking brake provided in accordance with Regulation 13.".

7. In Regulation 118 (application of brakes of trailers)—

(*a*) the words "by these Regulations" shall be omitted; and

(*b*) at the end there shall be added the words:—

"In this Regulation, the reference to the brakes required to be fitted to a trailer means—

(*a*) in the case of a trailer to which Regulation 4A(1) applies, being a trailer to which that Regulation applies by virtue of the trailer's conforming to the requirements of Council Directive (EEC) No. 71/320 of 26th July 1971, the brakes fitted in accordance with those requirements; and

(*b*) in the case of any other trailer, the brakes fitted in accordance with the requirements of these Regulations.".

8. At the end of Schedule 11 there shall be added the following additional Note:-

"3. A Ministry Plate may, in a space provided for the purpose, show the DOE (Department of the Environment) reference number for the particular type of vehicle. Where provision is made for this number, the spaces for the make and model of the vehicle may be combined.".

Signed by authority of the Secretary of State.

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

30th July 1973.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1973. Under Regulation 3 certain vehicles are exempted from the requirements of the Regulations relating to brakes (Regulations 13, 14, 47, 50, 54, 59, 66 and 70), strength of side door latches and hinges (Regulation 15), construction of petrol tank (Regulation 19), mirrors (Regulation 23(3)), audible warning instruments (Regulation 27(2)), noise (Regulation 29), radio interference suppression (Regulation 30) and emission of smoke or vapour (Regulation 33A). The vehicles concerned are those in respect of which a type approval certificate or a certificate of conformity has been issued under the Motor Vehicles (Type Approval) Regulations 1973, and the exemptions apply insofar as the vehicles in question conform to the relevant provisions of the Directives of the European Economic Community which are specified in the Table set out in Regulation 3 of these Regulations.

Regulations 4 to 7 also make other amendments to certain provisions of the 1973 Regulations consequential on the exemptions provided for by Regulation 1. Regulation 8 makes an amendment to Schedule 11 to the 1973 Regulations (the amendment is not related to the earlier amendments) by providing for a possible minor alteration in the form of "Ministry Plate", being the plate which is issued for a goods vehicle following the issue for it of a plating certificate.

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