STATUTORY INSTRUMENTS

1979 No. 843

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1979

Made - - - -	13*th July* 1979
Laid before Parliament	26*th July* 1979
Coming into Operation	16*th August* 1979

The Minister of Transport, in exercise of the powers conferred by section 40(1) and (3) of the Road Traffic Act 1972(**a**) and now vested in him(**b**) 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 16th August 1979, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1979.

2. The Motor Vehicles (Construction and Use) Regulations 1978(**c**) shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 3 (Interpretation), in paragraph (1), after the definition of "the Type Approval (Great Britain) Regulations" there shall be inserted the following new definition:—

" "agricultural or forestry tractor" has the same meaning as in the Agricultural or Forestry Tractors and Tractor Components (Type Approval) Regulations 1979(**d**);".

4. In Regulation 37 (Vehicles propelled by a compression ignition engine to meet certain requirements as to emission of smoke)—

(*a*) in paragraph (2), for the words "a motor vehicle which is a land tractor, industrial tractor, works truck or engineering plant" there shall be substituted the words "a motor vehicle which is a land locomotive, land tractor, industrial tractor, works truck or engineering plant"; and

(*b*) in paragraph (3), after sub-paragraph (*a*) there shall be inserted the following new sub-paragraph:—

"(*aa*) an agricultural or forestry tractor manufactured on or after 28th February 1979 in respect of which—

(a) 1972. c.20. (b) S.I. 1979/571.
(c) S.I. 1978/1017, to which there are amendments not relevant to these Regulations.
(d) S.I. 1979/221.

(i) a type approval certificate has been issued under Regulation 5 of the Agricultural or Forestry Tractors and Tractor Components (Type Approval) Regulations 1979 (which provides for the issue of such a certificate in respect of a tractor which is approved as a type tractor 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

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

5. In Regulation 43 (which requires certain vehicles to be equipped with plates), in paragraph (2), for the words "Regulation 3(2) and (3)" there shall be substituted the words "Regulation 3(2), (3) or (4)", and for paragraph (3) there shall be substituted the following paragraph:—

"(3) Every motor vehicle to which this Regulation applies shall be equipped with a plate which is in a conspicuous and readily accessible position, is affixed to a vehicle part which is not normally subject to replacement and which—

(*a*) either—

(i) shows clearly and indelibly the vehicle identification number in accordance with the requirements specified in paragraphs 3.1.1 and 3.1.2 in the Annex to Council Directive 76/114/EEC of 18th December 1975, disregarding any amendments thereto, and the name of the manufacturer of the vehicle, or

(ii) complies with the requirements specified in the Annex to Council Directive 76/114/EEC of 18th December 1975 as amended by Commission Directive 78/507/EEC of 19th May 1978**(a)**; and

(*b*) shows clearly and indelibly either—

(i) the approval reference number of the type approval certificate which relates to the vehicle model or the model variant of the vehicle model, as the case may be, issued in accordance with the provisions of Regulation 9(1) of, and Part I of Schedule 3 to, the Type Approval (Great Britain) Regulations, or

(ii) the approval reference number of the Minister's approval certificate which relates to the vehicle, issued in accordance with the provisions of Regulation 9(2) of, and Part I(A) of Schedule 4 to, the said Regulations:

Provided that the information required under sub-paragraph (*b*) above may be shown clearly and indelibly on an additional plate which is fitted in a conspicuous and readily accessible position and which is affixed to a vehicle part which is not normally subject to replacement.".

(a) O.J. L155, 13.6.78, p. 31.

6. For Regulation 110 (which deals with the maintenance of vehicles so as not to emit smoke etc.) there shall be substituted the following Regulation:—

"110. No person shall use or cause or permit to be used on a road—

(*a*) a motor vehicle to which paragraph (1) or (4) of Regulation 37 applies, or

(*b*) an agricultural or forestry tractor of a type specified in paragraph (3)(*aa*) of Regulation 37, or

(*c*) a motor vehicle to which Regulation 5 applies by virtue of the vehicle's conforming to the requirements of Council Directive 72/306/EEC of 2nd August 1972

if the fuel injection equipment, the engine speed governor or any other parts of the engine by which it is propelled have in any way been altered or adjusted so as to increase by such alteration or adjustment the emission of smoke from that vehicle.".

Norman Fowler,

Minister of Transport.

13th July 1979.

EXPLANATORY NOTE

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

1. These Regulations amend the Motor Vehicles (Construction and Use) Regulations 1978 so as to provide—

(1) that an agricultural or forestry tractor in respect of which a type approval certificate or a certificate of conformity has been issued under the Agricultural or Forestry Tractors and Tractor Components (Type Approval) Regulations 1979 shall not be subject to the requirements specified in Regulation 37 of the said Regulations of 1978 (which specifies certain requirements as to the emission of smoke from vehicles propelled by a compression ignition engine) (Regulation 4);

(2) that no person shall use or cause or permit to be used on a road such an agricultural or forestry tractor if the fuel injection equipment, the engine speed governor or any other parts of the engine by which it is propelled have in any way been altered or adjusted so as to increase the emission of smoke from that vehicle (Regulation 6); and

(3) for minor and drafting amendments.

2. These Regulations also amend the Motor Vehicles (Construction and Use) Regulations 1978 by making a small correction to Regulation 43(2) and by providing, in accordance with the provisions of Council Directive 76/114/EEC of 18th December 1975 as amended by Commission Directive 78/507/EEC of 19th May 1978, alternative requirements as to the particulars to be shown on the manufacturers' plates with which certain motor vehicles are required to be equipped (Regulation 5).

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