STATUTORY INSTRUMENTS

1983 No. 471

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1983

Made - - - -	*25th March* 1983
Laid before Parliament	*8th April* 1983
Coming into Operation	*1st May* 1983

The Secretary of State for 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 1st May 1983, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1983.

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

3. In Regulation 3 (Interpretation)—

(*a*) in paragraph (1), in the second paragraph of the definition of "overall length"—

(i) omit the word "or" at the end of sub-paragraph (ii);

(ii) in sub-paragraph (iii) for the words "of business;" substitute the words "of business, or"; and

(iii) after sub-paragraph (iii) add the following new sub-paragaph:—

"(iv) it is a plate, whether rigid or movable, fitted to a trailer constructed for the purpose of carrying other vehicles and designed to bridge the gap between that trailer and a motor vehicle constructed for that purpose and to which the trailer is attached so that, while the trailer is attached to the motor vehicle, vehicles which are to be carried by the motor vehicle may be

(**a**) 1972 c. 20.
(**b**) S.I. 1979/571 and 1981/238.
(**c**) S.I. 1978/1017; the relevant amending instruments are S.I. 1980/287, 880, 1981/261, 1189 and 1982/1576.

moved from the trailer to the motor vehicle before a journey begins, and vehicles which have been carried on the motor vehicle may be moved from it to the trailer after a journey ends;";

(*b*) in paragraph (1), in the definition of "public works vehicle" after the words "local authority," insert the words "water authority,"; and

(*c*) in paragraph (6AA), for the words "Regulations 46D, 87 and 91, Schedule 7, and the definition in paragraph (1) of this Regulation of the expression "close-coupled"" substitute the words "Regulation 46D, Schedule 7 and the definitions in paragraph (1) of this Regulation of the expressions "close-coupled" and "closely spaced"".

4. In Regulation 9 (overall length), in paragraph (6)(b), after the word "part" insert the words "forward of any front wall or rearward of any rear wall".

5. In Regulation 46B (Rear under-run protection), in paragraph (2)—

(*a*) in sub-paragraph (*g*), after the word "apparatus" insert the words "specially designed"; and

(*b*) delete "or" at the end of sub-paragraph (*l*), for the full stop at the end of sub-paragraph (*m*) substitute a semi-colon, and after sub-paragraph (*m*) add the following new sub-paragraphs:—

"(*n*) a vehicle fitted with a tail lift so constructed that the lift platform forms part of the floor of the vehicle and this part has a length of at least 1 metre measured parallel to the longitudinal axis of the vehicle; or

(*o*) a trailer of a kind specified in Regulation 3(1)(*n*) of the Motor Vehicles (Rear Markings) Regulations 1982(**a**); or

(*p*) a vehicle specially designed, and not merely adapted, for the carriage and mixing of liquid concrete.".

6. In Regulation 46B, in paragraph (4)—

(*a*) for the words "two or more devices which comply with the following requirements" substitute the words "one or more devices which do not protrude beyond the overall width of the vehicle (excluding any part of the device or devices) and which comply with the following requirements"; and

(*b*) in sub-paragraph (*b*), for the words "the vehicle" in the last place where they occur substitute the words "the vehicle, and paragraph II.5.4.2 in the Annex to the Council Directive shall not have effect in a case where this requirement is met".

7. In Regulation 46C (Sideguards)—

(*a*) in paragraph (1) after the word "semi-trailer" insert the words "which has a relevant plate showing a gross weight exceeding 26000 kilograms"; and

(**a**) S.I. 1982/430.

(*b*) in paragraph (2) for the full stop at the end of sub-paragraph (*b*) substitute ", or", and after sub-paragraph (*b*) add the following new sub-paragraph—

"(*c*) until the 1st January 1984, to a semi-trailer forming part of an articulated vehicle the total laden weight of which does not exceed 32520 kilograms.".

8. In Regulation 46D (Sideguards)—

(*a*) in paragraph (2), delete "and" at the end of sub-paragraph (*k*), for the full stop at the end of sub-paragraph (*l*) substitute a semi-colon, and after sub-paragraph (*l*) add the following new sub-paragraphs:—

"(*m*) a trailer specially designed and constructed, and not merely adapted, to carry other vehicles loaded on it from the front or the rear;

(*n*) a trailer with a load platform—

(i) no part of any edge of which is more than 60 millimetres inboard from the plane described in paragraph (5)(*c*)(i); and

(ii) the upper surface of which is not more than 750 millimetres from the ground over whichever distance specified in paragraph (5)(*d*) to (*g*) would be applicable to the trailer if this exemption did not apply to it; and

(*o*) a trailer of a kind specified on Regulation 3(1)(*n*) of the Motor Vehicles (Rear Markings) Regulations 1982.".

(*b*) in paragraph (5), for sub-paragraph (*a*) substitute the following sub-paragraph:—

"(*a*) the outermost surface of every sideguard shall be smooth, essentially rigid and either flat or horizontally corrugated;";

(*c*) in paragraph (5), in sub-paragraph (*b*), after the words "level ground" add the words ", and in the case of a semi-trailer when its load platform is horizontal";

(*d*) in paragraph (5), in sub-paragraph (*c*)—

(i) in (i) after the word "cut" insert the words "within 1.85 metres from the ground",

(ii) for (ii) substitute—

"(ii) in a case where the structure is not cut by the plane described in (i) of this sub-paragraph within 1.85 metres from the ground and the upper surface of the load carrying structure of the vehicle is less than 1.5 metres from the ground, less than the height of that surface",

(iii) delete (iii), and

(iv) re-number (iv) to become (iii); and

(*e*) for paragraph (6) substitute the following new paragraph:—

"(6) The provisions of paragraph (4) apply—

(*a*) in the case of an extendible trailer when it is, by virtue of the extending mechanism, extended to a length greater than its

minimum, so as not to require, in respect of any additional distance solely attributable to the extension, compliance with the specifications mentioned in paragraph (5)*(d)* to *(g)*;

(*b*) in the case of a vehicle designed and constructed, and not merely adapted, to be fitted with a demountable body or to carry a container (as defined in Regulation 80A(4)), when it is not fitted with a demountable body or carrying such a container as if it were fitted with such a body or carrying such a container; and

(*c*) only so far as is practicable in the case of—

(i) a vehicle designed solely for the carriage of a fluid substance in a closed tank which is permanently fitted to the vehicle and provided with valves and hose or pipe connections for loading or unloading; and

(ii) a vehicle which requires additional stability during loading or unloading or while being used for operations for which it is designed or adapted and is fitted on one or both sides with an extendible device to provide such stability.".

9. After Regulation 74 insert the following new Regulation:—

"*Minimum ground clearance*

74A.—(1) Every trailer which is—

(*a*) a goods vehicle; and

(*b*) manufactured on or after 1st April 1984

shall have a minimum ground clearance of not less than 160 millimetres if the trailer has an axle interspace of more than 6 metres but less than 11.5 metres, and a minimum ground clearance of not less than 190 millimetres if the trailer has an axle interspace of 11.5 metres or more.

(2) In this Regulation—

"axle interspace" means—

(i) in the case of a semi-trailer, the distance between the point of support of the semi-trailer at its forward end and, if it has only one axle, the centre of that axle or, if it has more than one axle, the point half way between the centre of the rearmost axle at the rear and the centre of the foremost axle at the rear, and

(ii) in the case of any other trailer, the distance between the centre of its front axle or, if it has more than one axle at the front, the point half way between the centre of the foremost axle at the front and the centre of the rearmost axle at the front, and the centre of its rear axle or, if it has more than one axle at the rear, the point half way between the centre of the foremost axle at the rear and the centre of the rearmost axle at the rear;

"ground clearance" means the shortest distance between the lowest part of that portion of the trailer (excluding any part of a suspension, steering or braking system attached to any axle, any

wheel and any air skirt) which lies within the area formed by the overall width of the trailer and the middle 70 per cent. of the axle interspace and the ground ascertained when the trailer—

(*a*) is fitted with suitable tyres which are inflated to a pressure recommended by the manufacturer, and

(*b*) is as near as may be horizontal and standing on ground which is reasonably flat.".

10. In Regulation 87 (Laden weight of vehicle and trailer), in item 1 of the Table, for the words "A wheeled trailer which—" substitute the words "A wheeled trailer drawn by a wheeled motor tractor, a wheeled heavy motor car or a wheeled motor car, and which—".

11. In Regulation 91, in paragraph (3) for the words "specified in Part III of Schedule 7" substitute the words "specified in an item in Part III of Schedule 7".

12. In Part III of Schedule 7, in item 1, in column 2(a) and (b) for the words "less than 2.2" substitute the words "at least 2.0".

13. After Regulation 128 insert the following new Regulation:—

"*Use of plates etc. between motor vehicle and trailer*

128A.— (1) Save as provided in paragraph (2) below, no person shall use or cause or permit to be used any motor vehicle constructed for the purpose of carrying other vehicles or any trailer constructed for that purpose so that while such vehicle or trailer is on a road any part of the weight of any vehicle which is being carried rests on a plate of a kind mentioned in paragraph (iv) in the definition in Regulation 3(1) of "overall length".

(2) The provisions of paragraph (1) above do not apply—

(*a*) while the motor vehicle or trailer constructed for the purpose of carrying other vehicles is being loaded or unloaded; or

(*b*) if the plate is folded or withdrawn so that it cannot be used for the purpose mentioned in paragraph (1) above.".

14. After Regulation 138 insert the following new Regulation:—

"*Maintenance of ground clearance of trailers*

138A.— (1) Save as provided in paragraph (2) below, every trailer to which Regulation 74A relates shall at all times when the trailer is in use on a road be maintained so that its minimum ground clearance is not less than that specified in paragraph (1) of Regulation 74A.

(2) The requirement specified in paragraph (1) above shall not apply

(*a*) in the case of a trailer which is fitted with a suspension system with which, by the operation of a control, the trailer may be lowered or raised—

(i) while that system is being operated to enable the trailer to pass under a bridge or other obstruction over a road, and

(ii) to the extent that such system is operated so that no part of the trailer (excluding any wheel) touches the ground or is likely to do so; or

(*b*) in the case of a trailer while it is being loaded or unloaded.".

David Howell,
Secretary of State for Transport.

25th March 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 in the following respects:—

1. (*a*) The overall length of a trailer constructed for the purpose of carrying other vehicles does not include a plate, whether rigid or movable, fitted to a trailer so that vehicles which are to be carried by the motor vehicle may be moved from the trailer to the motor vehicle before the journey begins, and vehicles which have been carried on the motor vehicle may be moved from it to the trailer after a journey ends (Regulation 3(*a*)); and

(*b*) No person shall use or cause or permit to be used any such motor vehicle or trailer on a road so that any part of the weight of any vehicle which is being carried rests on such plate except while the carrying vehicle is being loaded or unloaded or if the plate is folded or withdrawn so that it cannot be used for the purpose mentioned in sub-paragraph (*a*) (Regulation 13).

2. (*a*) A new Regulation, numbered 74A, is added requiring that every trailer which is—

(i) a goods vehicle, and

(ii) manufactured on or after 1st April 1984

and which has an axle interspace of more than 6 metres to have a certain minimum ground clearance (the new Regulation contains definitions of the expressions "axle interspace" and "ground clearance") (Regulation 9); and

(*b*) a new Regulation, numbered 138A, is added requiring every trailer to which Regulation 74A relates shall at all times when the trailer is used on a road be maintained so that its minimum ground clearance is not less than that specified in Regulation 74A (although this requirement does not apply in respect of a suspension system while it is being operated to enable the trailer to pass under a bridge or other obstruction and so that no part of the trailer, excluding any wheel, touches or is likely to touch the ground, or in respect of a trailer while it is being loaded or unloaded) (Regulation 14).

3. The definition of "public works vehicle" is extended to include a mechanically propelled vehicle which is specially designed for use on a road by or on behalf of a water authority (Regulation 3(*b*)).

4. (*a*) The application of provisions relating to measuring the distance between axles is altered so that they do not apply to Regulations 87 and 91 but do apply in relation to closely spaced axles (Regulation 3(*c*)).

(*b*) The exemptions from the requirements about fitting a rear under-run protection device are refined in respect of vehicles described in Regulation 46B(2)(g) and extended in relation to certain vehicles with tail lifts to certain trailers temporarily in Great Britain and to certain concrete mixers (Regulation 5); and the requirements relating to a vehicle fitted with a tail lift, bodywork or other part which renders its being equipped with such a device impracticable are modified (Regulation 6).

(*c*) The requirements which apply on and after 1st May 1983 about sideguards are amended so as not to apply to semi-trailers with a gross weight not exceeding 26000 kilograms nor, until 1st January 1984, to a semi-trailer forming part of an articulated vehicle the total laden weight of which does not exceed 32520 kilograms (Regulation 7).

(*d*) The requirements about sideguards are amended so as not to apply to a trailer specially designed and constructed, and not merely adapted, to carry other vehicles loaded on it, a vehicle with a certain kind of load platform, and in certain circumstances a trailer temporarily in Great Britain (Regulation 8(*a*)). The specifications about sideguards are modified, in respect of the technical requirements (Regulation 8(*b*)(*c*) and (*d*)) and in the application of those requirements to extendible trailers and vehicles designed and constructed to carry a demountable body or a container (Regulation 8(*e*)).

(*e*) Minor refinements are made to the provisions relating to the determination of overall length of vehicles (Regulation 4), the laden weight of a vehicle and its trailer (Regulation 10) and to the maximum weight of articulated vehicles (Regulations 11 and 12).

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