STATUTORY INSTRUMENTS

1975 No. 641

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1975

Made - - - -	14*th April* 1975
Laid before Parliament	24*th April* 1975
Coming into Operation	15*th May* 1975

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 may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1975 and shall come into operation on 15th May 1975.

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. In Regulation 3(1), in the definition of "dual-purpose vehicle", for the words "2030 kilograms" there shall be substituted the words "2040 kilograms".

4. In Regulation 4A, in the table, there shall be inserted the following items:—

(1) after the entry relating to Council Directive 70/220/EEC—

"Council Directive 70/220/EEC of 20th March 1970**(d)**, as amended by Council Directive 74/290/EEC of 28th May 1974**(e)** (relating to the measures to be taken against air pollution by gases from positive ignition engines of motor vehicles).	1st January 1975	33A"

(2) after the entry relating to Council Directive 70/387/EEC—

"Council Directive 74/297/EEC of 4th June 1974**(f)** relating to the interior fittings of motor vehicles (the behaviour of the steering mechanism in the event of an impact).	4th December 1975	16"

(a) 1972 c. 20.
(b) S.I. 1973/24 (1973 I, p. 93).
(c) The relevant amending Instruments are S.I. 1973/1347, 1706, 1974/64, 765 (1973 II, p. 4133; III, p. 5193; 1974 I, pp. 208, 2932).
(d) O.J. L76, 6.4.1970, p. 25 (S.E. 1970 (I, p. 171).
(e) O.J. L159, 5.6.1974, p. 61.
(f) O.J. L165, 20.6.1974, p. 16.

5. In Regulation 33A (marking of certain vehicles propelled by a spark ignition engine)—

(i) for paragraph (1)(*d*) (as set out in Regulation 4 of the Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1973)**(a)**, there shall be substituted the following paragraph:—

"(*d*) in the case of the vehicles described in sub-paragraph (*a*) in the said paragraph (1C), is first used on or after 1st December 1975 and in the case of any of the other vehicles described in the said paragraph (1C), is first used on or after 1st December 1974.";

(ii) for paragraph (2)(*d*) (as set out in the said Amendment (No. 3) Regulations 1973) there shall be substituted the following paragraph:—

"(*d*) a vehicle described in sub-paragraph (*a*) of paragraph (1C) of this Regulation manufactured before 20th September 1975 and any other vehicle described in the said paragraph (1C) manufactured before 20th September 1974;".

(iii) for paragraph (3) there shall be substituted the following paragraph:—

"(3) every vehicle to which this Regulation applies and which is manufactured before 1st October 1976 or first used before 1st April 1977 shall be legibly and indelibly marked in a conspicuous and readily accessible position—

(i) with the marking designated as an approval mark by Regulation 2(3) of the Motor Vehicles (Designation of Approval Marks) (No. 2) Regulations 1972**(b)**, or

(ii) with the marking designated as an approval mark by Regulation 2 of the Motor Vehicles (Designation of Approval Marks) Regulations 1975**(c)**

(which respectively designate approval marks that may be applied to a vehicle to indicate that the vehicle meets certain requirements concerning the emission of gaseous pollutants by the engine thereof).";

(iv) at the end of paragraph (3) there shall be inserted the following paragraph:—

"(4) Every vehicle to which this Regulation applies and which is manufactured on or after 1st October 1976 and first used on or after 1st April 1977 shall be legibly and indelibly marked in a conspicuous and readily accessible position with the marking designated as an approval mark by Regulation 2 of the said Motor Vehicles (Designation of Approval Marks) Regulations 1975.".

6. In Regulation 45 (Tyres of locomotives), in paragraph 2(*b*) for the words "305 millimetres" there shall be substituted the words "300 millimetres".

7. In Regulation 59 (Brakes of motor cars), in paragraph (13)(*e*) for the words "2030 kilograms" there shall be substituted the words "2040 kilograms".

(a) S.I. 1973/1706 (1973 III, p. 5193).
(b) S.I. 1972/1303 (1972 II, p. 3942).
(c) S.I. 1975/635 (1975 I, p. 2274).

8. In Regulation 70 (Brakes of trailers), in paragraph (3)(*d*) for the words "only a trailer so drawn" there shall be substituted the words "the only trailer so drawn".

9. In Regulation 78 (Laden weight of heavy motor car or motor car, being a public service vehicle), in paragraph (2)(*a*); in Regulation 79 (Laden weight of heavy motor car or motor car, not being a public service vehicle), in paragraph (2)(*i*); in Regulation 80 (Laden weight of trailer), in paragraph (3)(*b*); and in Regulation 87 (Wheel and axle weight for certain vehicles), in paragraph (3), for the words "305 millimetres" in each case there shall be substituted the words "300 millimetres".

10. In Regulation 137 (Testing of brakes etc.) in paragraph (1), after the words "Metropolitan Public Carriage Act 1869", there shall be inserted the words "or appointed by the police authority for a police area to act, under the directions of the Chief Officer of Police, for the purposes of section 53 of the 1972 Act,".

11. In Schedule 8, in paragraph 2, for the words "paragraphs (4), (5), (6) and (9)" there shall be substituted the words "paragraphs (2), (4), (5), (6) and (9)".

Fred Mulley,
Minister for Transport,
Department of the Environment.

Signed by authority of
the Secretary of State.

14th April 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Regulation 4A of the Motor Vehicles (Construction and Use) Regulations 1973 exempts from compliance with the requirements of certain of the Regulations motor vehicles and trailers in respect of which a type approval certificate has been issued by the Secretary of State, or by the competent authority in another member state of the European Economic Community, and a certificate of conformity has been issued by the manufacturer of the vehicle. Regulation 4 of these Regulations provides for the exemption from compliance with

(1) Regulation 33A (which relates to the emission of gaseous pollutants by the engine of certain vehicles propelled by a spark ignition engine) of vehicles in respect of which a type approval certificate and certificate of conformity have been issued by reason of the vehicles' complying with the technical requirements of the relevant Community Directive as amended by a further Directive which came into operation on 1st January 1975. (Those vehicles which complied with the technical requirements of the Community Directive before amendment will continue to be exempted); and

(2) Regulation 16 (which relates to protective steering mechanism for motor vehicles) of vehicles in respect of which a type approval certificate and a certificate of conformity have been issued by reason of the vehicles' complying with the technical requirements of the Council Directive referred to in paragraph (2) of Regulation 4 of these Regulations and which are first used on or after 4th December 1975.

These Regulations also make minor amendments to the Motor Vehicles (Construction and Use) Regulations 1973. Regulation 3 corrects a clerical error in the definition of "dual-purpose vehicle"; Regulation 5 extends the time limit for compliance with the requirements concerning the emission of gaseous pollutants by the engines of motor vehicles in the case of certain ambulances manufactured by British Leyland (UK) Limited; Regulations 6 to 9, inclusive, correct clerical errors in the metric equivalents of certain measurements formerly stated in Imperial units and make minor amendments; Regulation 10 rectifies an anomaly which has recently arisen; Regulation 11 corrects a minor omission.

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