STATUTORY INSTRUMENTS

1976 No. 1256

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1976.

Made - - - -	31*st July* 1976
Laid before Parliament	23*rd August* 1976
Coming into Operation	1*st October* 1976

The Secretary of State for the Environment, in exercise of the powers conferred on him by 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 section 199(2) of that Act, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1976, and shall come into operation on 1st October 1976.

(2) The Interpretation Act 1889**(b)** 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 1973**(c)**, as amended**(d)**, shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. After Regulation 39 there shall be inserted the following new Regulation:—

"*Distinguishing Plates for Motor Cycles*

39A—(1) This Regulation applies to every motor cycle which is first used on or after 1st August 1977 and is not—

(*a*) a motor cycle propelled by an internal combustion engine with a cylinder capacity exceeding 150cc; or

(*b*) a mowing machine; or

(*c*) a pedestrian controlled vehicle.

(2) Every motor cycle to which this Regulation applies shall be equipped with a plate which is securely affixed to the cycle in a conspicuous and readily accessible position and which—

(*a*) states whether the motor cycle is a standard motor cycle or a moped;

(a) 1972 c. 20. **(b)** 1889 c. 63.
(c) S.I. 1973/24 (1973 I, p. 93).
(d) There are no relevant amending instruments.

(*b*) is in the form and of the size specified in Schedule 2A to these Regulations;

(*c*) contains the further particulars specified for a motor cycle plate in that Schedule; and

(*d*) complies with the other requirements specified for such a plate in that Schedule.

(3) If a motor cycle to which this Regulation applies is altered so that it ceases to be a moped and becomes a standard motor cycle, an appropriate amendment shall be made to the plate required by paragraph (2) above or the motor cycle shall be equipped with the appropriate new plate.

(4) In this Regulation and in Schedule 2A to these Regulations:—

"moped" means a motor cycle which has a maximum design speed which does not exceed 30 mph, a kerbside weight which does not exceed 250 kg, and, if propelled by an internal combustion engine, an engine with a cylinder capacity which does not exceed 50cc;

"kerbside weight", in relation to a motor cycle, means the weight of the cycle when it carries—

(*a*) no person thereon; and

(*b*) a full supply of fuel in its tank, an adequate supply of other liquids incidental to its propulsion and no load other than the loose tools and equipment with which it is normally equipped;

"maximum design speed", in relation to a motor cycle, means the maximum speed which the motor cycle is designed to achieve under its own power on a level road; and

"standard motor cycle" means a motor cycle which is not a moped.

(5) For the purposes of this Regulation and Schedule 2A to these Regulations a motor cycle shall be regarded as having a maximum design speed which does not exceed 30 mph if it cannot exceed that speed by more than 5 mph when tested under the following conditions—

(*a*) the surface on which it is tested shall be dry asphalt or concrete;

(*b*) the rider shall be a person not exceeding 75kg in weight;

(*c*) no passenger or load shall be carried;

(*d*) the test route shall be so located that acceleration to, and deceleration from, maximum speed can take place elsewhere than on the test route itself;

(*e*) the test route shall not have a gradient exceeding 5%;

(*f*) the motor cycle shall be ridden in opposite directions along the test route and the speed recorded for the purpose of the test shall (in order to minimise the effect of wind resistance and gradient) be the average of speeds shown for each direction;

(*g*) when being driven along the test route, the motor cycle shall be driven in such manner and in such gear as to achieve the maximum speed of which it is capable; and

(*h*) if the motor cycle is fitted with a device which can, without the use of specialist tools or equipment, be readily modified or removed so as to increase its maximum speed, the test shall be carried out with the device in the modified condition or, as the case may be, without the device.".

4. After Schedule 2 there shall be inserted the following new Schedule:—

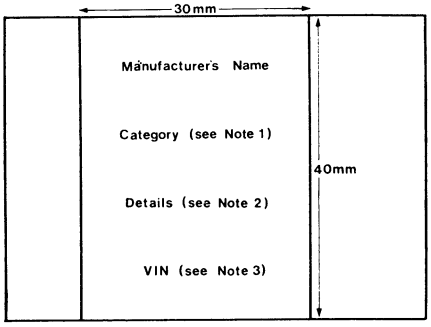
"SCHEDULE 2A

Distinguishing Plates for Motor Cycles

1. The plate shall be firmly attached to a part of the motor cycle which is not normally subject to replacement during the life of the motor cycle.

2. The plate shall be in the form shown in the diagram in this paragraph, shall have dimensions not less than those shown in that diagram and shall show the information provided for in that diagram and detailed in the Notes below.

Diagram of Plate



Notes: 1. The categories are "standard motor cycle" and "moped".

2. The details are—

(*a*) for standard motor cycles and mopeds— the engine capacity; and

(*b*) for mopeds only—

(i) the kerbside weight, and

(ii) the maximum design speed.

3. The vehicle identification number (VIN) shall be marked in the form used by the manufacturer to identify any one individual vehicle.

3. The information on the plate shall be shown in characters not less than 4mm in height and in the positions on the plate indicated in the diagram above.

4. No information, other than that provided for in the diagram above, shall be marked within the rectangle which is shown by the heavy lines in that diagram.".

Signed by authority of
the Secretary of State.
31st July 1976.

John Gilbert,
Minister for Transport,
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Motor Vehicles (Construction and Use) Regulations 1973 by adding a new Regulation 39A and a new Schedule 2A. The new provisions require motor cycles which are first used on or after 1st August 1977 and do not have an engine with a cylinder capacity exceeding 150cc to carry a plate which will show whether the motor cycle is a moped (i.e. a motor cycle with a design speed not exceeding 30 mph, a kerbside weight not exceeding 250 kg and, if propelled by an internal combustion engine, an engine with a cylinder capacity not exceeding 50 cc) or a standard motor cycle (i.e. a motor cycle which is not a moped).

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