STATUTORY INSTRUMENTS

1977 No. 791

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1977

Made - - - -	*4th May* 1977
Laid before Parliament	*13th May* 1977
Coming into Operation	*3rd June* 1977

The Secretary of State for Transport, 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 1977, and shall come into operation on 3rd June 1977.

(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. In Regulation 4 (Application and Exemptions), in paragraphs (2) and (3) after "23" there shall be inserted "23A", and in paragraph (9) for "22 to 30 inclusive" there shall be substituted "22, 23, 23A, 24 to 30 inclusive".

4. In Regulation 4A (Exemptions in cases where vehicles have received Community type approval), in column 5 of the Table in that Regulation in relation to item 5 in that Table, after "23(3)" there shall be inserted "and 23A(5)(*c*)".

5. In Regulation 23 (Mirrors) at the end of paragraph (2) there shall be added:

"or

(*f*) to a vehicle to which Regulation 23A applies unless that vehicle is an excepted vehicle as defined in paragraph (8) of that Regulation".

(a) 1972 c. 20. **(b)** 1889 c. 63.
(c) S.I. 1973/24 (1973 I, p. 93).
(d) The relevant amending instrument is S.I. 1976/528 (1976 I, p. 1558).

6. After Regulation 23 there shall be inserted the following Regulation:—

"23A—(1) This Regulation applies to—

(*a*) every two wheeled motor cycle manufactured on or after 1st April 1978 and first used on or after 1st October 1978,

(*b*) every Ford Transit motor car manufactured on or after 10th January 1978 and first used on or after 10th July 1978, and

(*c*) every motor vehicle (other than a two wheeled motor cycle or a Ford Transit motor car) manufactured on or after 1st December 1977 and first used on or after 1st June 1978.

(2) Every vehicle to which this Regulation applies, which is

(*a*) a motor tractor,

(*b*) an agricultural or forestry tractor which is not a motor tractor,

(*c*) a locomotive,

(*d*) a works truck, or

(*e*) a vehicle which has a maximum design speed not exceeding 16 m.p.h. and which does not fall within paragraph (3) below,

and which is not an excepted vehicle, shall be equipped with at least one exterior rear-view mirror fitted on the off-side of the vehicle.

(3) Every vehicle to which this Regulation applies, which is not an excepted vehicle and does not fall within paragraph 2(*a*), (*b*), (*c*) or (*d*) above and which is a passenger vehicle, a goods vehicle or a dual-purpose vehicle shall be equipped—

(*a*) except in the case specified in paragraph (4) below, with an interior rear-view mirror, and at least one exterior rear-view mirror fitted on the off-side of the vehicle, and

(*b*) in a case where the interior rear-view mirror does not provide an adequate view of the road to the rear of the vehicle, additionally with an exterior rear-view mirror fitted on the near-side of the vehicle.

(4) Where a vehicle is equipped in accordance with paragraph (3) above with exterior rear-view mirrors on both sides of the vehicle, the presence of an interior rear-view mirror shall not be necessary if such a mirror would provide no view of the road to the rear of the vehicle.

(5) Subject to paragraph (6) below, the following requirements shall apply to rear-view mirrors with which all vehicles to which this Regulation applies are equipped—

(*a*) each rear-view mirror shall be legibly and indelibly marked in a conspicuous and readily accessible position with the marking designated as an approval mark relating to rear-view mirrors by Regulation 4 of, and Schedule 4 to, the Motor Vehicles (Designation of Approval Marks) Regulations 1976**(a)** (which designates an approval mark applicable to rear-view mirrors for motor vehicles);

(*b*) each rear-view mirror shall be fixed to the vehicle in such a way that it remains steady under normal driving conditions;

(a) S.I. 1976/2226 (1976 III, p. 6233).

(*c*) each exterior rear-view mirror on a vehicle fitted with windows and a windscreen shall be visible to the driver, when in his driving position, through a side window or through the portion of the windscreen which is swept by the windscreen wiper;

(*d*) where the bottom edge of an exterior rear-view mirror is less than 2 metres above the road surface when the vehicle is laden, that mirror shall not project more than 20 centimetres beyond the overall width of the vehicle or, in a case where the vehicle is drawing a trailer which has an overall width greater than that of the drawing vehicle, not more than 20 centimetres beyond the overall width of the trailer;

(*e*) each interior rear-view mirror shall be capable of being adjusted by the driver when in his driving position;

(*f*) except where the mirror is a spring back mirror, each exterior rear-view mirror on the driver's side of the vehicle shall be capable of being adjusted by the driver when in his driving position, but this requirement shall not prevent such a mirror from being locked into position from the outside of the vehicle.

(6) Paragraph 5(*a*) above does not apply to a rear-view mirror fitted to a public service vehicle (as defined in Part III of the Road Traffic Act 1960**(a)**) if that mirror complies with the relevant requirements with respect to construction and testing set out in Annex I to Council Directive 71/127/EEC**(b)** (other than the requirement with respect to the radii of curvature set out in paragraph 2.3.4, or with respect to type approval marks set out in paragraph 2.6, of that Annex).

(7) The following additional requirement shall apply to rear-view mirrors with which vehicles are required to be equipped in accordance with paragraph (2) or (3) above, that is to say, each exterior rear-view mirror fitted to a vehicle which has a technically permissible maximum weight (as mentioned in Annex I to Council Directive 71/127/EEC) exceeding 3·5 metric tons shall be a Class II mirror as described in that Annex and each exterior rear-view mirror fitted to any other vehicle shall be either a Class II or a Class III mirror (as described in that Annex).

(8) In this Regulation—

"agricultural or forestry tractor" has the same meaning as in the Agricultural and Forestry Tractors (Type Approval) Regulations 1975**(c)**;

"excepted vehicle" means

(i) a two wheeled motor cycle with or without a side car attached,

(ii) a motor vehicle when drawing a trailer if a person is carried on the trailer in a position which affords an uninterrupted view to the rear and such a person is provided with efficient means of communicating to the driver the effect of signals given by the drivers of other vehicles to the rear thereof,

(iii) a works truck if the driver can easily obtain a clear view of traffic to the rear,

(iv) a pedestrian controlled vehicle, or

(a) 1960 c. 16.
(b) OJ L68, 22.3.1971.
(c) S.I. 1975/1475 (1975 III, p. 4880).

(v) a vehicle which is merely a chassis when being driven from the place where it has been manufactured to the place where it is to receive a vehicle body;

"Ford Transit motor car" means a motor car manufactured by the Ford Motor Company Limited and known as the Ford Transit;

"rear-view mirror" means a mirror to assist the driver of a vehicle to become aware of traffic to the rear of the vehicle or rearwards on the sides of the vehicle or, where the mirror is an exterior mirror fitted on one side of the vehicle, rearwards on that side, or in a case where the vehicle is drawing a trailer, a mirror to assist the driver of the drawing vehicle to become aware of traffic to the rear of the trailer or rearwards on the sides of the drawing vehicle and the trailer, or where the mirror is an exterior mirror fitted on one side of the drawing vehicle, rearwards on that side of the drawing vehicle and the trailer;

"spring back mirror" means a rear-view mirror which, if knocked out of its alignment, can be returned to its former position without any need for its adjustment.

William Rodgers,
Secretary of State for Transport.

4th May 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Motor Vehicles (Construction and Use) Regulations 1973 by inserting a new Regulation 23A which applies to two wheeled motor cycles manufactured on or after 1st April 1978 and first used on or after 1st October 1978 Ford Transit motor cars manufactured on or after 10th January 1978 and first used on or after 10th July 1978, and all other motor vehicles manufactured on or after 1st December 1977 and first used on or after 1st June 1978. The new Regulation provides that rear view mirrors fitted to these vehicles must accord with certain requirements of Council Directive (EEC) No. 71/121 of 1st March 1971 (as amended and adapted in accordance with Annex 1 to the Act of Accession). It also requires that (subject to certain exceptions) these vehicles must be equipped with such rear view mirrors. The existing Regulation 23 is amended so as to exclude from its application vehicles which will be required to be equipped with rear view mirrors by the new Regulation 23A.

SI 1977/791
ISBN 0-11-070791-5

